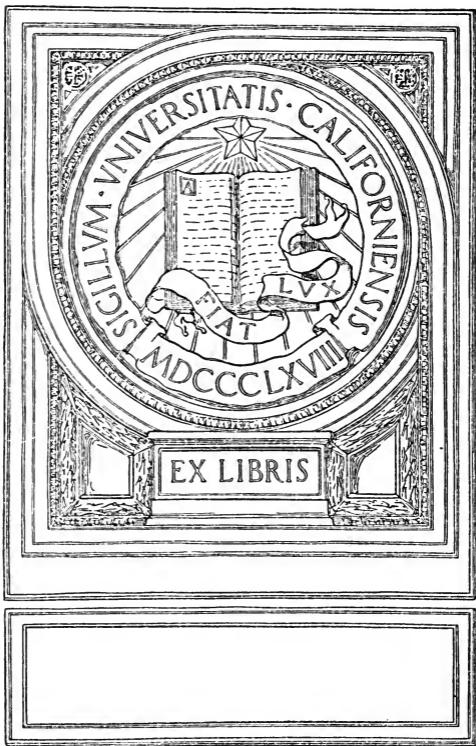
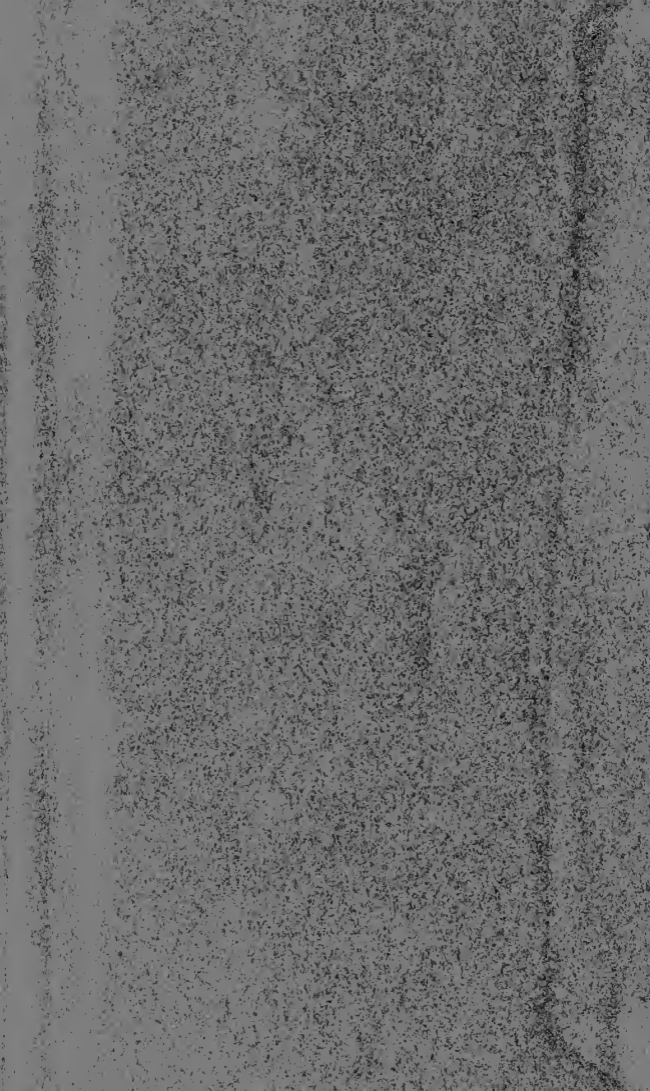


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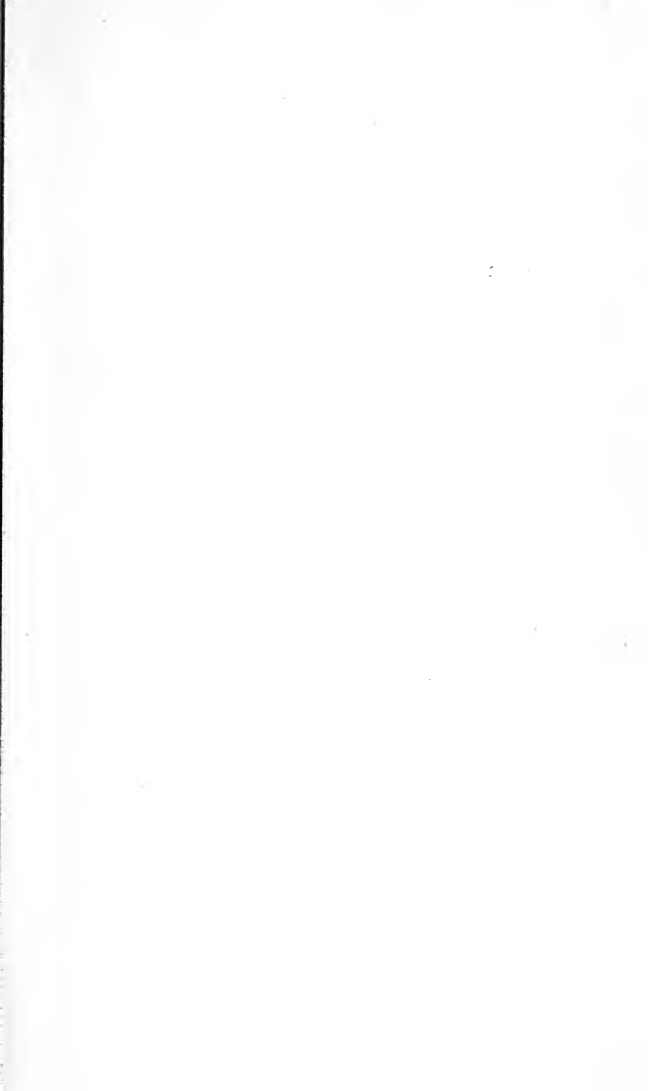


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1. CRIME & PUNISHMENT;

OR THE QUESTION,

How should we Treat our Criminals?

PRACTICALLY CONSIDERED,

BY

R. HOVENDEN.



“The end of punishment is twofold—*amendment* and *example*. In the first of these, the *reformation* of criminals, little has ever been effected, and little, I fear, is practicable. From every species of punishment that has hitherto been devised, from imprisonment and exile, from pain and infamy, malefactors return more hardened to their crimes, and more instructed (in them.)”

Paley's Moral and Political Philosophy.

LONDON:

CHARLES GILPIN, 5, BISHOPSGATE STREET WITHIN.

1849.

ZOTICIDONE

[illegible]



INTRODUCTION.

THE greater part of the following remarks have been long written, and the first sheets some time in type. Recent events and discussions have induced the writer to urge their completion, and publication. But it must not be supposed that the object is to discuss the question of *punishment by death*; that, however important it may appear, is only a matter of minor detail, and will not at all affect the great principle contended for: indeed, if capital punishments were to be immediately abolished, considerable increased difficulty would present itself, and no where would it be more apparent than among the abolitionists, it being advocated by many of them, not so much on the ground of high principles, as from a wish to introduce *a more horrible, terrifying, and protracted punishment*; these mistaken philosophers are at once answered by the fact, that the present absurd mode is infinitely more benevolent, and rational, than the object they advocate. Every reasonable opponent to the abolition asks, "What should we do with the class we now blot out of existence?" To which the opposite party are by no means agreed in their answer; it becomes us, therefore, to examine the principle which should influence us, and temperately, but deeply, consider the important question, What *ought* we to do with our criminals?

the fact that the law is not a mere collection of rules, but a system of principles which governs the conduct of the citizen. The law is not a mere collection of rules, but a system of principles which governs the conduct of the citizen. The law is not a mere collection of rules, but a system of principles which governs the conduct of the citizen.

The writer has previously alluded to the treatment of juvenile delinquency, as well as to the operation of the law in relation to the same. The result of such operation has been called "juvenile delinquency" by the public. It is believed that the law is being enforced, and that the law is being enforced, and that the law is being enforced.

PREFACE.

THE views of Crime and Punishment, here set forth, are not produced as new, they are only alluded to as partially lost sight of, or forgotten. Notwithstanding the question of the amount or nature of punishment has largely occupied the attention of mankind from the remotest periods, the *right* of men to punish, either individually or by laws, and the *POLICY* of doing so, have seldom lately been disputed on Scriptural grounds. That *right*, together with the *policy* of exercising it, are, however, denied in the following pages. It is further asserted, if the New Testament be attentively studied, it will be found to lead to a directly opposite line of conduct to that of punishing our fellow-creatures, under any circumstances: that its principles, if carried out, will lead to infinitely higher, and more successful results, than *can* be attained by the inconsistent and absurd machinery now in existence, under the names of criminal law and justice. Revealed religion is, indeed, of little value, if it does not teach something radically effective on the important subjects of vice and virtue, crime and its treatment, the conduct of the offended towards the offender.

The writer has paid some attention to the treatment of juvenile delinquency, as well as directed observation to matured, or what are called, hardened offenders: the result of such observation and attention is, that he believes them, for the most part, improperly treated: he has seen the latter approached, addressed, and treated in the true spirit of Christian truth—the better part of human nature appealed to; he has seen their faces averted, as if in

neglect, but in reality to conceal their tears : it is hard to say, how He who knows the secrets of all hearts, “ who knows our frames, and remembers we are dust,” received those tears ; it is equally difficult for us to judge of the latent or future effect of the feelings which caused them.

It must not be supposed that the principle contended for is *alone* a pure, benevolent desire to promote the reformation or well-being of the criminal or bad : it is a question of selfishness, involving the advancement and well-being of society, as completely as any that can be propounded. It may be taken for granted, that a community cannot act *right* towards a class, without *ultimately* elevating itself ; nor can it act wrong towards any portion of its members, without perpetuating or promoting social evils, perhaps the very evils it is anxious to eradicate. It is with man collectively, as individually—no false step can be taken, or improper line of conduct adopted, which will not ultimately produce results prejudicial to those who persevere therein.

The subject is not treated phrenologically, not that the writer is opposed to phrenology as a science, but because he does not see its *primary* value for the moral advancement of mankind, while we have a positive law for the regulation of human conduct, prescribed by Divine revelation, in reference to that object. Yet phrenology, even if false, may prove itself of service to the study of nature and morals, by leading men to the examination of latent or forgotten principles, as alchymy has done to chemistry, thereby being of great service to mankind. Doubtless, phrenologists are actuated by the best and purest intentions ; but, after all, they are taking a circuitous route to the maintenance of principles and practices, which, nearly two thousand years ago were commanded by God through the Messiah, and by him *completely and triumphantly* practised. Mr. Combe’s able work, “The constitution of man considered in relation to external objects,” is alluded to or quoted, not to disparage its reasonings, or to under-value its conclusions, but to place some of the positions

he has advanced, especially his sound views of punishment, upon their right ground—the *revealed* law of God.

Allusion has been made to several other writers on the subject of natural religion; but nearly all who are quoted have been respected champions of revealed truth, therefore their minds have been imbued with its sacred principles, and they hence have drawn very different practical conclusions from the study of nature, from those philosophers of old who have not had the divine light to direct them, as well as from the contradictory conclusions of those who have, in later times, written on the subject of natural religion, but have denied revelation altogether.

The passages of Scripture quoted may be considered too numerous. The writer, indeed, felt a difficulty upon this point; for, to have done the subject justice, he perhaps ought not to have made a single quotation, but directed his fellow-christians to the New Testament, saying, The whole of that book, its *letter* and *spirit*, condemn the practice of punishing our brethren. We are called upon, indeed, to “warn,” “reprove,” “rebuke,” “rebuke sharply,” “exhort,” “entreat,” “suffer long,” but punishments, *as we now understand and practise* them, are not only not countenanced, but expressly forbidden.

It has pleased Divine Providence to shower profusely its blessings on this land: it may not be too much to say, such blessings are, either immediately or remotely, connected with the liberality of our institutions. May we endeavour, therefore, to go on towards perfection, by thinking deeply, and intending seriously to adopt the treatment of our criminals—the vicious, and the erring—according to the simple teaching and example of the Messiah. The inquiry is a large one, and it cannot be justly said to be deeply gone into in the following remarks; but it is presumed enough has been said, to show the importance and necessity of deeply entertaining it.

It may also be asserted, that when the subject is treated humbly, but with zeal, with anxiety to do the will of God, connected with

full confidence in his promises, it will be found one of the most interesting, practical, and benevolent, that has ever occupied the attention of our race; veins of moral wealth will be opened, "more to be desired than gold, yea, than much fine gold," available by *every one* anxious to participate in the "depth of the riches, both of the wisdom and knowledge of God," for it must be borne in mind it is not a *sectarian* question, but immeasurably above all such, it is one which calls forth the attention of every good or reflective man, under whatever name, or in whatever section of the Church he thinks proper to worship the God of his fathers.

On looking over the production as a whole, an apology is required for the defective character of its style, as well as the tautology which is apparent, but when it is explained that it was composed during engagements in business, and that business by no means of a literary character, it is hoped the importance of the subject will atone for the imperfect manner in which it is treated.

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CHAPTER I.

ON CRIME.

By *mercy* and *truth* iniquity is purged; and by the fear of the Lord men depart from evil. When a man's ways please the Lord, he maketh even his enemies be at peace with him.—*Prov.* xvi. 4, 7.

O Lord, who hast taught us that all our doings, without charity, are nothing worth, send thy Holy Spirit and pour into our hearts that most excellent gift of charity, the very *bond of peace and of all virtues*, without which, whosoever liveth is counted dead before thee.—*Collect for Quinquagesima Sunday.*

BEFORE we enter upon the subject of punishment, it is necessary we should examine and endeavour to determine what crime is: and considering the amount of space which is occupied by it and its concomitants in the present constitution of civilized society, and its intimate connexion, more or less, with all the institutions and relations of mankind at the present period, it becomes a matter of inquiry, whether we understand its nature; if we are dealing with it aright, and whether we might not adopt a higher and a much more effective stand than the common consent mankind has hitherto taken towards it.

The first thing which strikes the mind, is the machinery in existence, and that which is con-

stantly being invented for its punishment, restraint, or cure, which, if only contemplated under the heads of police, jurisprudence, and prisons, are of a vast and expensive character; and these are only what force themselves upon the mind: there is besides an immense amount of expense and anxiety appreciable only by reflective men; and yet, after all, crime goes on increasing, and the culprit laughs at these things in array against him, courts the risk of evading them, and when overtaken, frequently cheerfully submits to the punishment and notoriety, considering himself thereby justified, and only even with society.

Crime is an offence against the laws or usages of society; but if we look closely at the subject, it will appear that society materially modifies its views of crime: what is crime in one state of society is scarcely considered so in another. Those who have been treated as the greatest criminals at one period, have, at a succeeding time, been considered martyrs and benefactors to mankind, and this is more especially true of those who have suffered for the propagation of their opinions. Some crimes are visited with death or mutilation under some circumstances, which under others are treated lightly and almost tenderly; but it appears that whether these crimes are slightly or heavily punished, they still exist. Some criminals are remarkable for their good characters in society previous to their conviction; some have been equally notorious for their deplorable conduct: some criminals have occupied the highest posts in the community; and others have existed in the lowest grades: crime, therefore, is liable to overtake all, no state or condition can claim exemption from it, and our inquiry branches in two directions, namely,

how is it produced; and does society treat it properly? Some modern philosophers assert "that every crime proceeds from an abuse of some faculty or other,"* thereby resolving all crime, properly so called, into disease of some faculty or tendency of the mind; this position demands the most serious attention, for, should they be right, it is obvious that by placing a man with a disease of the mind under circumstances of affliction to the body, we err as signally as we should by treating a man for a diseased or broken limb, by only endeavoring to inform or improve his mind.

Is crime the result of the inherent depravity of our nature? If our nature be so depraved, what is the source of goodness in mankind? How does goodness preponderate? It is clear it does so by all the institutions of society being founded upon a desire to impel men in the path of duty. Laws are instituted for the preservation and amelioration of the social state, and even punishments themselves are supposed to have a beneficial tendency, and are instituted for that object, and, therefore, we perceive that goodness springs even more powerfully from the same nature; and the question is opened to us, cannot we, by some hitherto untried process, more completely subjugate the evil, or lower tendencies of our nature and constitution, to those that are higher and good?

Is crime the result of ignorance? If so, how is it we find the informed and the intellectual frequently committing it. And although knowledge is making rapid strides, the development of crime keeps rather more than pace with it, notwithstanding the increased facilities such information gives for its concealment. If crime be the result of

* Coombe on the Constitution of Man, Edinburgh edition, p. 260.

ignorance, we should find all ignorant men necessarily vicious or criminal, a proposition, I believe, few will assent to, and which is contradicted by experience ; but if so, we are driven to find another cause for crime in the informed and enlightened.

In attending to the causes of crime, it is instructing to view it as it develops itself under different circumstances : for instance, let us observe the poor emaciated and half-starved creature, with others probably dependent on her or him for support, stealing an article of food ; it will be at once attributed to poverty, the pressure of circumstances, and when detected, distress and all its concomitants are pleaded in extenuation ; but if watched and not arrested, the same object will frequently take any other article of an edible nature or not, as it presents itself, and will convert it into money with all possible speed, probably for the gratification of some other vice, already immoderately indulged in. Let us compare this with the lady who steps from her carriage, and secretes from the draper or jeweller, as the case may be, the article which can be most conveniently abstracted ; and ask, Does crime arise from the same cause in these cases ? with a view to determine whether it should be alike treated in both ; at all events, if crime does so exist in the rich and the poor, it will be found that crime as much tends to poverty, as poverty to crime ; and hence the question how to treat it in all cases.

We might go over every state and modification of human existence, and we shall find crime nowhere exempt. All states and conditions of our nature are liable to guilt, and I would further appeal to every man who has reflected at all, and ask him what has been his own experience ; and

more especially to the best of men I should say, Have you never experienced great temptation? Have you not had reason nearly thrown off its balance? Have you not contemplated an act, or acts, which circumstances, over which you had no control, prevented you from completing? Have you not, in youth especially, done things, which in others have been the first steps in crime, but in the continuance of which you have been fortunately prevented or arrested? * And, follow it out further, had your delinquency been detected, and yourself degraded as youthful criminals are now, would you not probably have been lost to virtuous society?

Before we decide upon the cause of crime, it will not be amiss to examine it as it frequently develops itself; for instance, a child before his mind is informed, and therefore incapable of fully understanding the nature of right and wrong, commits some predatory act: we will suppose him detected, and his parent or perceptor, with the greatest kindness, takes occasion to secretly explain to him what is right and wrong, with respect to the laws of property, as far as he is capable of understanding them, taking care not to surfeit him, and, especially to preserve the utmost affection in the mode of dealing with him, letting him know and feel that love for him is at the root of the effort to instruct him, and impress upon him it is a mistaken action, great, indeed, in its consequences if it become a habit; but at the same time,

* ———— "How would you be,
If He, which is the top of judgment, should
But judge you as you are? O think of that,
And mercy then will breathe within your lips,
Like man new made!"—SHAKSPERE.

taking care to preserve as large an amount of self-respect as can be possessed by a child, and making the action, as far as he is concerned, the ground of as much instruction as he is capable of. There is every reason to believe, that if a similar line of conduct were pursued, and judiciously persevered in, the child's crime, fault, or mistake, would be made a blessing; and instead of leading to a vicious state of character, would be the first lesson in solid virtue.*

Let us take another child of the same age, similarly detected, his parent or friend deals with him angrily, perhaps assuming more anger than he feels, he punishes him severely, calls him a bad and vicious child, labours this upon him; the child perhaps believes him, but as no reasoning takes place, he imperfectly understands it, loses his self-respect, and knows he has lost it with others, and it is likely the foundation is laid for future vice and crime, and his fears of his preceptor will add deceit and hypocrisy, thinking them his best aids, and the first step is taken to harden the character. We may rely upon it, the great Creator has caused nothing in vain, and if the view of youthful or even infant faults here taken be correct, they may be made a source of instruction and improvement, but if indiscreetly and improperly treated, it is difficult to predict how bad the consequences may be. Whence the incorrigible characters of young thieves; are they not treated, when detected, as an inferior order of beings; are any pains taken

* It is related of Dr. Priestley, that his first lesson upon the rights of property was taught him by his father, to whom he brought home a pin, which he picked up at a neighbour's door; his father took him by the hand to where he found it, and instructed him to leave it there, explaining to him, as far as his infant mind could bear, the rights of property.

to elevate them? They do not understand the consequences of their own conduct, and that they have within their own power the means of making themselves good and useful members of society.

Let us look at crime as it is developed in after life, as exemplified in the following case. A man, about thirty-five years of age, by trade a compositor, of good abilities and some education, refused to obtain work, and resolved to become chargeable to his parish; the authorities, on the other hand, resolutely refused to support him, he broke the workhouse windows to obtain admission, was taken before the magistrate, and had a few weeks imprisonment; he presented himself again for admission, appeared sullen and determined, the officers declared they feared mischief from him, and he was examined by the medical man, who decided there was no symptom of insanity about him, and he was allowed to remain; his perverseness, destructive acts and insubordination, however, increased so much, that no alternative was left but to confine him with the insane. Now let us suppose this unfortunate creature, as was feared, had maimed or killed one of the officers, here would have been a crime committed, and, in all probability, his life would have been sacrificed, and the murdered man lost to society, which might have been averted by an early attention to the cause, and the development of crime, under its peculiar circumstances.

It is admitted by all moralists that a man cannot too closely guard against incipient error in his own mind and character; and by analogy of reasoning, the tendency to, or beginning of, crime cannot be too closely watched and provided against by the community, as much for the sake of its active agents

as well as its passive victims. In the early stages of crime, the tender and delicate structure of the human mind has to be dealt with : it is certain that the mass of mankind are not competent to deal with it, and it is very doubtful whether there is any class of men now in existence who have paid sufficient attention to the subject as to deal successfully with so delicate a fabric, especially in its deviation from a healthy and moral condition, as to restore it to a sound and sanitary state. The majority of our criminals are now delivered over to the gaoler and the prison chaplain for a fixed period, and society is satisfied with the fact that the victim has been punished ; surely there is, there must be, a higher, a nobler object to be adopted towards our erring fellow-creatures than this ; certainly one must be found more elevating and more useful, both to society and the culprit, than such a stolid and useless result.

One of the most fruitful causes of crime is considered to be drunkenness. It is doubtless a fertile source, but if it be examined, it will generally be found to act secondarily only, namely, by weakening the moral powers and perceptions, leading to a loss of self-respect, tending to low and degrading society, and, finally, inducing poverty and its additional temptations to crime, temptations, be it remembered, all the more strong, as the mind so reduced has not been habituated and inured to them, as in a man who has been brought up or educated in poverty ; but, as already observed, it acts indirectly ; an habitual drunkard may not be led to commit crime himself, but he causes an immoral atmosphere, and if he be the father of a family, instils a poison into his children, which may be hidden even from themselves as well as

from him ; but they insensibly imbibe the seeds of crime, and, sooner or later, there is a danger of their development ; it is vain to say they are disgusted and annoyed at the example, they probably are so for a long time, and during many acts, but when the habit is established, it gives rise to a very different class of feelings ; his vices must be endured and tolerated, and when that is the case with any vice, we are ready to tremble for the result.

In the development of crime, we are frequently surprised by its appearance in a quarter in which we least expect it. A man known and respected, honest in his avocation, trustworthy and trusted, is detected in a guilty or criminal act ; he is a good father, husband, and friend, respected by his fellow-men, and has done even good in his sphere, it is all destroyed by this one act, although his penitence before God and man may be sincere and deeply felt ; a man remarkable for his kindness and benevolence, will inflict a wound which may cause death ; perhaps, former hasty expressions will form circumstances to prove malice, and he is a murderer, and is lost to society. Do we, in judging of crime, distinguish sufficiently between the act and the habit, and if this distinction be attended to, may it not very materially assist us in our judgment of crime and its treatment ? Independently of the mind or will, may not accident sometimes concur to the perpetration of crime ? A youth once found an article of dress in his box, which belonged to his employer, which he himself had accidentally placed there, he was so paralysed at the discovery, and the fear that the charge of theft should be brought against him, that he began to pick the mark out of it that it should not be

known; fortunately, before he had completed doing so, his judgment overtook him and prompted him to take the proper course, by giving the article to its owner. But let us suppose him detected, how could he have justified himself, how could he have made out a case for only the merciful consideration of an angry, a vindictive, or even an ordinary man! Truth might have been, would have been, in the sight of God, his best friend, but in the estimation of man, in the eye of the law, he would have been guilty; he would have been, (and according to our present fallacious mode of dealing with criminals, he ought to have been,) punished, his character lost and depraved, and himself, in all probability, permanently degraded. Crime is more frequently generated by accident, or committed under an unreflecting, rather than a guilty impulse, than is generally supposed; early crime originates, in all cases, from the natural and necessary weakness of infant and untrained minds; and when it develops itself, their minds should be strengthened, informed, enlarged, trained to understand the consequences of their conduct, and kindly instructed, but never, as it frequently is, hastily, angrily, and revengefully punished.

The truth is, criminals are not always vicious men, although detected in crime, and it is an important fact, although convicted of it, are not necessarily guilty. About twenty years ago, a young man was accused of shoplifting, and tried at the Old Bailey, on three several indictments, but was acquitted by the jury without hesitation; being again tried by the same jury upon another indictment, and a lady in respectable life being quite sure of his person, swore positively to him, and he was found guilty. A very short

time after, another man was detected in the same crime, and the two being placed side by side, one could not be distinguished from the other. About thirty-five years ago, three poor Irishmen were taken from their stand, where they were waiting to be hired as bricklayers' labourers, and set to work, by means of an interpreter, to colour counterfeit coin; while so engaged, they were detected, and it was discovered in time to save them from punishment (then capital), that they had been employed to be detected for the sake of the reward, then considerable, for the apprehension of that class of criminals; and there is every reason to believe that many have been so detected and hanged; but it is unnecessary to go far back for doubtful or erroneous convictions, later times furnish too many examples, leading us to pause, not only in the treatment of criminals, but to examine whether we have even got a criminal, much less a bad or degraded member of the community, to treat with, condemn, or punish.

Is crime the result of an abuse of our faculties or dispositions, the capability of which abuse is a necessary part of our constitution, and without such capability, morality or virtue could not exist? If so, how should we treat the criminal, seeing that he demonstrates the consequences in his own person of a result of such abuse. Let us take the converse; how do we act towards a man who has acted on a higher and more moral ground? Society leaves him alone, no means are taken legally to reward him, large establishments are not founded to nurse his virtues; rewards, indeed, flow to him, which demonstrate the desirableness of honesty, truth, chastity, benevolence, and all other virtues, but society does not interfere, either individually

or collectively, beyond the necessary results, which confidence, esteem, attachment, and respect, always impart to the mind of a man of a virtuous character; it may be a man may act heroically in a given case; and let us suppose him triumphantly carried off, and placed in circumstances of high sensual gratification, and only with reference to *that fact*, without any regard to his general character;* all men would see the absurdity of this proceeding at once, and some would probably see there might in truth be very little virtue in the act, it might be there was selfishness at the bottom of the motive; it is even possible the object might be bad which remotely led to the result, and which secretly induced the action, but he would be scarcely able to trace such motives and objects to his own mind; but how deceived he would be if he should suppose himself good on account of the general testimony of mankind, although accompanied with such marked and pleasant attestations to his conduct, by rewards thus legally imposed and provided; but suppose he felt he had, unknown to the world at large, practised many crimes, and during his life neglected many of its ordinary duties, and, unknown to others, wrought much misery, what would be the effect upon his mind, with respect to the efficiency of society or its laws, to reward and encourage virtue; he would, he must, feel, if not contempt for such human institutions, an internal conviction

* As if to mock human deductions in the matter of the amount of guilt in convicted persons, it has hitherto been held, a previous good character should weigh in its determination: but at a trial, at the Middlesex Sessions, August, 1849, it was decided by the Judge, that the previous good character of a criminal was an aggravation of his crime or guilt.

of their utter uselessness to promote the end in view. Let us go back to the criminal, equally conscious that although he has been surprised, perhaps ensnared into crime, he may have been a good child, or an exemplary parent; he may have privately submitted to many acts of privation in good causes, he may have been even useful in society, and for one act, the causes and motives of which he can scarcely account, he is to be submitted to ignominy and reproach, to corporeal suffering, and to be classed among the habitually criminal, and to suffer and spend his time among them, would he respect the laws; would his punishment have an elevating effect upon his mind, upon his family, his connection, or upon the community?

If crime be, as before hinted at, the result of disease, or a defect of the moral perceptions, or a disorder of the mind, sometimes so very much like insanity, as to be scarcely distinguished from it (and this has been frequently the case) we shall perceive it developing itself exactly as we might expect. Let us take any great criminal, Eugene Aram for instance, he was induced to commit a crime of the greatest magnitude; he left the scene of his crime, and for many years led, to all outward appearance, an exemplary life: probably immediately after the committal of the act, the shock and novelty of his situation produced a tendency to even active virtue, in order, if possible, to wipe the stain from his conscience, and to atone for his sin; his was evidently a mind of a high kind, and as far as his history has come down to us, but for his one crime, an exemplary man; he appears to have wanted no helps to convince him of the enormity of his guilt, and probably no advisers to induce him to amend

his life : it appears, both before and after his crime, he was at least a respectable member of society, but with a remarkable inconsistency, frequently observable in human beings ; he associated with two low companions, one his victim,* the other his accomplice in crime ; and it appears by his confession, he lived unhappily with his wife, and jealousy was the cause of his committing himself as he did.

As far as we can judge of the circumstances of this affair, there is much to reflect upon, and although nearly a century since, the outline of the case affords subject for thought : he married young and imprudently, and, although pursuing learning with the greatest avidity, was breathing an immoral atmosphere in the society in which he placed himself ; he deeply fell ; he quitted the scene of his degradation, and for thirteen years led an exemplary life in one locality : let us reflect upon the workings of his mind during the time he contemplated his crime, let us ask, Did he incite his accomplice, or his accomplice incite him ? How could such a man, with such qualities of mind, be an active or a passive agent in such circumstances ? He who formed the human mind, and alone directs its workings, can only answer. We are in possession of the facts ; he was a criminal, but it is unquestionable he was a useful member of society before he committed the crime, and thirteen years after. Did this act spring from a depraved state of mind and feelings ? If so, his after habits appear to have been of another kind. Did he, at the time, labour under an uncontrollable

* It is a remarkable fact, that very many victims of crime have disposed themselves to it, by some immoral, or at least, imprudent act of their own, or by bad associates.

state of moral infirmity, and which, in his case, without assistance, he afterwards treated properly and successfully? But he was executed.

Let us contrast this character and his crime with another, which some years ago made some noise. A man was taken up on the charge of cutting off a child's head, under circumstances of peculiar atrocity; he was tried and acquitted under some technical informality, such as the name of the child being improperly spelt in the indictment; now this man has been before the public repeatedly for his irregularities, so much so that it is scarcely possible but to admit he must be a much more intractable man in character and disposition than the other, yet he goes free. These cases are cited for the purpose of stimulating inquiry, and of inducing reflection upon the subject. Can it be stated that society is acting right in dealing with men and acts as above referred to, ought not a better mode of action to be attempted?

The motives to crime are also as varied as can be well conceived, at least, as far as they can be discovered. Some culprits tell us they cannot account for the impulses which actuated them; some have committed murder from fear the victim should become evidence against them, some from motives of jealousy, some from revenge, some because the victim has stood in the way of another crime being committed; some men steal from love of dress, some from love of drink, some from love of company, others from the passion for gaming; some, when actuated by these motives, would shrink from the *first* crime, as a theft, *intending* to return the articles or amount they have misappropriated.

In contemplating the dispositions and situations

of criminals, it may not be uninteresting to reflect upon the character and circumstances of James Bloomfield Rush, whose whole character presents, perhaps, as deplorable a picture as can be well imagined; his schemes were deeply laid; he appears to have made every thing a matter of calculation; his crimes took a varied turn, and a shew of religion was interwoven in the midst, and, we have every right to assume it was the grossest hypocrisy, although we are not even certain of that; and in the midst of all his art, how strange, that while he most successfully concealed the weapon with which he perpetrated his crimes, he should take particular care to preserve the mask, more remarkable, and therefore more identical, in which he committed them; and who is there that can read his defence without feeling that, however artfully his movements were arranged, there was a deficiency or disorganization of his intellect; it would be very difficult to unravel the workings of his mind, and to trace his motives, or to understand all he proposed to himself, but it is quite clear to the most simple but healthy mind, that no advantages he could gain by his career, independently of any future self-condemnation, would be worth the pains and risk he took to procure them.

One source of crime, although but little hitherto attended to or treated as such, deserves attention, namely, sympathy. We can scarcely understand how dispositions and feelings are sometimes communicated, by contact or example, by surrounding circumstances and individuals; let us illustrate it by the following case: in a family, consisting of several children, the offspring of vicious parents; the eldest, a boy about thirteen years of age,

apparently healthy, was playing on a chair and received some hurt, for which he was medically treated, when he suddenly became furious, manifesting the most violent dislike to his brother, and, to use the medical gentleman's statement, acted towards him like a dog in a rabid state: the brother was next similarly seized, and they became so violent, that it was necessary to part them,* as mischief was fully expected; and after they were parted, another of the children was seized with the same malady, but in a milder form, and subsequently the eldest boy became, under the treatment referred to, much better, but still, when irritated, acted in a similar but milder manner.

We all know the force of example and circumstances, in forming the human character, and we all feel the contagious nature of anger, yet but few, if any, can define how these things act in producing certain results, but we ought to be better acquainted with them in determining the amount of moral guilt, either in the crime or the criminal, as well as in our mode of operation towards effecting a cure, and in preventing society from being disturbed by the moral aberrations of individuals. Let us suppose, in the case just referred to, one of these children had committed an injurious act upon the other, he would have been considered guilty of crime, and probably would have been treated for it instead of disease, but still his treatment would have led him, in all probability, to conceal his dispositions, and they would have broken out in some future period of his life,

* If sympathy is a source of crime, instead of placing criminals in prisons and with each other, it involves the necessity of separating them, as much as possible, and, as far as is practicable and safe, distributing them among the stronger minded and good.

with a matured judgment, and increased tendency to commit crime; and made him the calculating, cautious, yet determined criminal.

By the author already referred to,* one vice, or evil tendency, is laid down as a disease, namely, drunkenness, and medical means are actually prescribed for its treatment and cure; but he even goes further, and intimates, apparently with good reason, that it is hereditary, without insisting too strongly upon any theory: should not this doctrine be examined, and if found true of one vice or infirmity, may it not be true of others? We have already noticed (page 8) the impure and immoral atmosphere created by drunkenness; let us see how crime is frequently promoted under its influence. At Wainfleet, a small farmer's son violently attempted the chastity of the female servant, having previously offered to marry her; the girl was induced, by presents from his mother, to overlook his conduct, and remain in their service. In the absence of his mother, who was at a neighbour's, and of his father, who was at a beer-house, he again attempted the girl and accomplished his object; and when his mother returned, he was reproved, but said in reply, "I shall kill myself, or some one else;" she taunted him, and soon after, while she (his mother) was sitting by the fire, he shot her through the head; he remained upon the spot with apparent unconcern, but told the girl if she made any alarm he would kill her; and he admitted it was his intention to kill her, and his father, and then himself. Now this unfortunate man was matured and lived in the most impure moral atmosphere; his father was a drunkard, and lived on the most miserable terms with his wife, and

* Combe, p. 355.

domestic unhappiness is rarely otherwise than the promoter of irregularity, and frequently of crime.

This case is valuable for the remarks which are made in relation to it, by the editor of one of the newspapers which chronicle it.—“ We regret to find that, in accordance with the morbid feeling of the day, an attempt is being already made to suggest the prisoner’s insanity. We have, however, made strict inquiries among his neighbours, some of whom have known him from his childhood, and they declare there is no ground for this plea. He was of a *savage* and *revengeful* nature, but, in all matters of business, collected and well-behaved. We cannot refrain from remarking on the social danger of admitting such an excuse for crime excepting in well-approved instances ; undoubtedly, as a general rule, no great crime can be committed by a human being unless previously wrought by *passion* or *long cogitation* to a state of mind *momentarily insane or unhealthy* ; but if the plea is to be promiscuously admitted in extenuation of guilt, or mitigation of punishment, life will never be safe.”---*Boston Herald, Tuesday, April 17, 1849.*

Thus the neighbours, highly excited, and doubtless in a vindictive state of mind towards the culprit, are to be the judges of the sound or unsound organization of the mind of this poor fellow-creature ; under these circumstances, that tender and delicate structure, the human mind, is thus summarily excluded, at least, from their examination and inquiry ; and why so ? Principally because he was in “ all matters of business collected and well-behaved.”

A man, recently executed at Liverpool, took a lodging and murdered a whole family : here is his history, as recorded in a local newspaper.

“The real name of the prisoner is Maurice Glesson Wilson. He is the son of David Glesson Wilson, and was born at the village or townland, as it is called, of Brurie, nine miles from Limerick. He has three brothers younger than himself, and two sisters. The father is a blacksmith by trade, but has done little or no work for some time. He is dissipated and idle, and the *whole family have been noted for their idleness and vicious propensities*. The father is now in receipt of out-door relief from the parish. The prisoner, who worked a little with his father as a blacksmith, left home more than two years ago, in consequence of having been charged with a robbery, although the crime was not clearly proved against him. Since he left his father’s house, Honorah, one of his sisters, has been transported for ten years. The prisoner went from Ireland to Plymouth, where he worked for a few months in a foundry, as a striker. From Plymouth he went to London, and lived for some time in Limehouse. About ten months ago he came to Liverpool, and took lodgings at the house in Sparling-street, kept by his present wife, whom, as we before stated, he married at the end of last year. Since he came to Liverpool he has never been known to do a day’s work, but the head constable has now ample evidence as to his pursuits and mode of living. The prisoner himself gave Mr. Dowling particulars, similar to the above, before he was removed to Kirkdale, and they have since been confirmed by unquestionable authority.”

It will be at once said these cases prove the culprits and their connexions to be bad, and that they ought to be punished; they certainly prove great evil exists, but will the punishment cure it? They all know that punishment awaits them, but

in the face of this knowledge, and of this punishment, these crimes are committed; there is not a practised thief in existence but knows the possible legal result of his crimes, but this knowledge has no effect upon him, and certainly the fear of the consequences does not deter him, and it is quite clear if we would act successfully, we must adopt more powerful means than the fear of punishment, however mild or severe in its application.

A girl at Bristol was recently executed for the murder of her mistress, who appears herself to have been a violent woman. Let us take the culprit's account of the affair: "Two days before the murder was committed, Miss Jefferies called me up to her bed-room and attempted to strike me. She also locked me in the kitchen during the whole of the night. At five o'clock in the morning she unbolted the door, and told me to make a fire in her room: I thought then to have struck her, but did not do so. On the following night I slept in her room, but did not contemplate murdering her till between five and six o'clock in the morning, when I got up, went down stairs, and returned with a stone, with which, while Miss Jefferies was asleep, I struck her on the head three times. Between the second and third blow she made some sort of a noise, and the last words I heard her say were, 'Christ, God!' I then dressed myself, robbed the house, flung the dog down the privy, locked up the house, and went home. I committed the murder and robbed the house with my own hands, and no one else had anything whatever to do with it; neither did I mention having done so to any person. I regret exceedingly having committed so horrid a crime, and I pray to the Almighty God for forgiveness.

I never should have committed so dreadful a crime had Miss Jefferies' conduct been less provoking. After Miss Jefferies had died, I remained in the room for more than an hour. I then went home, and did not return till about nine o'clock in the evening, when I went for two boxes, but did not go into mistress's room. On leaving the house, I saw a strange man standing opposite, who carried my boxes as far as the Infirmary, for which I gave him nine-pence. I then took a fly and went home." It would appear, according to this statement, that the mistress herself was an important agent in producing the lamentable circumstances which caused her death; and here is a proof that dealing angrily, violently, and vindictively towards an inferior fellow-creature, is not likely to lead to a beneficial result: and there can be little doubt that if, in every-day life, an unconciliatory temperament and desire to punish actuate us, we are more likely to degrade and precipitate the character of an inferior, than to improve and elevate it: our own want of judgment may remotely be the cause of the greatest crimes.

In many criminals, the circumstances in which they have been placed will fully account for their early and progressive career of crime: and when a child or youth is placed in such circumstances as have been just alluded to, it can scarcely be otherwise than that he will descend in the scale of responsible beings, until he becomes so lost to his proper condition and object in society, as to render the question an open one, whether he ought to be considered and treated as an accountable being; and if the question be carefully considered, it will be found just to entertain it upon other grounds, independently of the question

of sanity or insanity: he may be shrewd and calculating in matters of business; he may be adroit and clever in his vocation; he may even use consummate art in his arrangements for the commission of crime, and dispose circumstances so as to completely evade detection; he may even never commit another crime; but it is questionable whether, when he committed his crime, he was in a state of mind which would justify us in considering him responsible: but if he is justly considered a responsible being, of what use is punishment, except it be that incurred during the process of endeavouring to effect his cure? Should not crime be classified, not only in its varied genus and species, but also in relation to the circumstances in and under which it develops itself? A crime may be very different in its moral turpitude in one person, to what it is in another; thus, the child who commits a small predatory act, if culpable at all, is much less so than the man who steals to the same amount; and the man who has been brought up under circumstances of guilt or ignorance, having committed any criminal act, is much less blameable than he who has had the benefit of good example, and judicious and enlightened teaching. A youth may have had the advantage of virtuous friends, but the disadvantage of bad teaching; and the contrary: a youth's temperament may be such as to cause him to yield on the first temptation, and another may resist successfully a long time, or not give way at all: a man may be so constituted, as not to be tempted by what to another is irresistible; and all these things considered, is it right a given crime shall be treated alike in all? If punishment is dealt out without reference to

any thing, but the fact of a certain act having been committed, is such punishment *just*, or likely to be beneficial in its effects? It may be well to say the law is offended, and justice must be satisfied; but we ought to look to the effect upon the criminal and upon society, and ask, Is this the highest view that can be taken, and the best object that can be attained? At all events, diseases of the body are treated differently; they are traced, if possible, to their causes, and they are, if practicable, removed; and if they cannot be removed, the pain is, very frequently, modified and relieved: and why should it not be so with diseases of the mind—the source of crimes? And our laws do so, to a large extent, in their civil relation to the individual: let us instance minors; they cannot do many things legally; and why so? because their judgment is not supposed to be matured. A youth cannot purchase an estate; but he may subject himself to imprisonment! He cannot be bound by a promise of marriage; but he can be amenable to capital punishment! Without enlarging upon this view of the subject here, as it will be alluded to hereafter, is this a just and equal operation of the laws? and do they consider the mind and capabilities of the individual? Ought they to do so in one case, and not in the other? and would it not be a benefit if they did so in all cases, with a view to the moral treatment of offenders?

In further noticing the nature or causes of crime, it is necessary to allude to the too frequent absence of education; among all classes of society, the meaning of the term is almost forgotten; among the higher or middle classes, when a young person commits a crime, or manifests a

bad disposition, it is usual to hear the remark, "He or she has had an excellent education," and not unfrequently the cost is stated, and is generally enormous; but if the large majority of these cases be analysed, it will be found, the *real* education,—proper moral training, has been very bad, and the state of character the direct result of the very education or treatment referred to: the accomplishments may have been studied and perfected, but the character woefully neglected; the machinery for forming the talents may be perfect, but the moral atmosphere dreadfully impure; the precept may be good, and frequently impressed, but the example tainted, perhaps bad; the head may be studied, but the heart neglected; the body may be improved, but the seeds sown for the destruction of the soul; indeed, every thing may, on the part of the teacher, be good,—associates, intentions, character, system; but all these will not avail, unless the character, capabilities, tendencies, faults, dispositions, probable condition, and even virtues of the child, be carefully considered, and the instruction applied to his particular case. Those who are spending, with the most benevolent intentions, a large amount of time and money in the education of the poor, will do well to consider these things; and if they are disappointed in the results, let them remember, the probability is, that the fault rests in a great measure with themselves; and before a criminal is denounced, let those who condemn him reflect they might have done more to prevent, if they have done nothing indirectly to promote, his criminality; and although they have taught him reading, writing, geography, music, and all accomplishments, if they have not

taken some pains to fit him for his probable occupation in life, especially if his condition is an humble one, they are as likely to be laying the foundation for vice as for virtue. It is not true that poverty is unfavorable to education: no greater or more dangerous fallacy can be spread in society; a poor person can as completely and as successfully educate his child, as the rich man.* Society have to unlearn the growing prejudice, that schools and expence are essential to education: they are only the means whereby some useful

* Since the above was written, the Seventh Report of the Commissioners for the government of the Pentonville Prison has been published, from which is taken the following remarkably pointed observations. "The Rev. Joseph Kingsmill, Head Chaplain to the Pentonville Prison, observing that the *proportion of the educated to the uneducated convicts is fully as high as that which exists between those classes in the general population*, is led to inquire wherein the popular education is defective, seeing that intellectual cultivation must greatly conduce to the well-being of society, and to individual happiness and virtue;" he proceeds to assert that the education received by prisoners is generally deficient in two most important particulars, viz., *religious example and moral training*. Religious training in the hands of an ungodly schoolmaster, or of parents, whose professed creed is unsupported by practical piety, amounts to little or nothing. Were he (Mr. K.) invited to state the comparative value which experience had induced him to assign to the different sorts of education in their bearings on religious or merely social obligations, he would *begin by that which is received at the knees of a pious mother, and from the lips of a godly and sensible father, who inculcates around the domestic hearth, by example and cheerful discourse, lessons of wisdom and truth, until an impression is made on the minds of the children, that hard working honesty is better than riches without right, advancement in life without fitness, or any thing without God*. Next in value is the instruction given at the Sunday Schools, miserably deficient as it is; and so on descending from religious and moral teaching, to what the worthy chaplain pleases to call secondary educational instruction. On these grounds Mr. Kingsmill attaches the greatest importance to the *moral and religious* education of the prisoners, as of the highest value in effecting the work of reformation.

mechanical arts are taught, and some branches of knowledge instilled; but a child can be most successfully educated by his parents, who are, or ought to be, best acquainted with his individuality and particular tendency; and until this great truth be acted upon in society, a large portion of our youth will be left as they are now, without any real education at all.* As to the primary importance of the higher branches of knowledge, and their being necessary to a high or proper state of character, an allusion to one fact in the Scripture history ought to be sufficient to dispel this opinion: it was the learned and the important among the Jews who^o openly and determinately opposed the Saviour, while it is emphatically declared, "the common people heard him gladly," (Mark xii. 37,) and it was to them he especially addressed himself, and from among *them* he selected his disciples.

In viewing crime, therefore, under all circumstances, in analyzing its nature, and in tracing its causes, the questions come irresistibly upon us, Do we understand it sufficiently well to deal with it advantageously? Have we taken means to do

* Mankind in infancy should be trained to know, "That our discontents and anxieties have their origin in moral evil. The lines of suffering, on almost every human countenance, have been traced there by unfaithfulness to conscience, by departures from duty. To do wrong is the surest way to bring suffering: no wrong did ever fail to bring it. Those sins which are followed by no palpable pain, are yet terribly avenged even in this life. They abridge our capacity of happiness, impair our relish for innocent pleasure, and increase our sensibility to suffering. They spoil us of the armour of a pure conscience, and of trust in God, without which we are naked amidst a host of foes, and are vulnerable by all the changes of life. Thus, to do wrong is to inflict the surest injury on our own peace. No enemy can do us equal harm with what we do ourselves, whenever or however we violate any moral or religious obligation."—*Dr. Channing on the Evil of Sin.*

so? Ought not the subject to be deeply and anxiously entertained? And, seeing that many criminals are made so by circumstances over which they have had no control, is punishment in principle applicable, and likely to be beneficial to them, or to the community? Are we acting right, or have we not, in effect, personified a principle like our heathen forefathers, and are sacrificing the liberties, the characters, the capabilities of future well-being and usefulness, and even the lives of our really, or supposed, wicked fellow-creatures, to "offended justice?"

CHAPTER II.

CRIME SCRIPTURALLY CONSIDERED.

“As in the scheme of the natural world, no ends appear to be accomplished without means, so we find that means very undesirable, often conduce to bring about ends in such a measure desirable, as greatly to overbalance the disagreeableness of the means. And in cases where such means are conducive to such ends, it is not *reason* but *experience*, which shows us that they are thus conducive. Experience also shows many means to be conducive and necessary to accomplish ends, which means, before experience, *we* should have thought would have had even a contrary tendency. Now, from these observations relating to the natural scheme of the world, the moral being supposed analogous to it, arises a great credibility, that the putting our misery in each others power to the degree it is, and making men liable to vice in the degree we are ; and, in general, that those things, which are objected against the moral scheme of Providence, *may be, upon the whole, friendly and assistant to virtue*, and productive of an over balance of happiness: *i. e.*, the things objected against, may be means, by which an over balance of good, will in the end, be produced. And from the same observations, it appears to be no presumption against this, that we do not, if indeed we do not, see those means to have any such tendency, or that they seem to us to have a contrary one. Thus those things which *we* call irregularities, may not be so at all, because they may be the means of accomplishing wise and good ends more considerable. And, it may be added as above, that they may also be the *only* means by which these wise and good ends are capable of being accomplished.”—*Butler’s Analogy, part 1, chap. vii.*

It will be necessary briefly to inquire what sin or crime is, according to what the Scriptures teach and narrate in relation to it, as well as what they

declare concerning the attributes and government of God; and here we have truth, authority, and fixed principles, on which to found our investigation. The Scriptures declare God to be infinitely powerful,* wise,† just,‡ and good,|| that he is the Creator—the cause of all things—therefore no humble and scripturally taught mind will allow there are secondary causes over which he has not perfect control, but will refer all things direct to Him. If God is omniscient, all events must have been foreknown by him; and if omnipotent, what is to him objectionable could have been prevented. We are commanded to believe all moral, as well as natural events are caused by Him;§ and, therefore, sin and crime must be a part of his agency. Let us illustrate this by the first crime or sin recorded in the Scriptures—the sin of Adam; and it is of the utmost importance we should not draw unjustifiable inferences from this fact; it is an important one, not only from the circumstance itself, but from the conclusions generally drawn from it, the principal one being, that he involved all his posterity in his guilt, and entailed misery upon them. A little reflection and knowledge of the Scriptures will show that this sin, whatever may have been its nature and consequences, was foreknown to God, and provided for by him; this is proved by Peter, (1st Epistle, i. 20.) who represents Jesus to be the lamb “fore-ordained before the foundation of the world,” so that it is manifestly untrue to say Adam’s sin was unknown or unexpected by the Creator, when human salvation or deliverance from sin was provided not only before that event took place, but before the “*foundation of the world* ;” we are

* Psalm cxxxv. 6.

† Psalm xliv. 21.

‡ Job viii. 3.

|| Matt. v. 45.

§ Isaiah xliv. 24, to end.

therefore, irresistibly driven to the conclusion that Adam's sin was known, was contemplated, and its effect, whatever it might be, provided for ; indeed, this is not merely a just deduction from the revealed character and attributes of God—his omniscience and omnipotence—but is a matter of direct and positive revelation.* We can, therefore, arrive at no other conclusion, than that the sin of Adam was a part of the arrangements of perfect wisdom, and its consequences a part of an ordination of events, pregnant with the largest amount of benefit to mankind ; and hence as we have borne the mortal, sinful nature of Adam, so shall we also bear the immortal and dignified nature of Christ ; or as it is expressly declared, “ For as in Adam all die, even so in Christ shall all be made alive.” 1 Cor. xv. 22.

An instance of the result of crime, sin, or the acts of bad men, or of men under the influence of bad dispositions, is forcibly illustrated in the history of Joseph : his brethren were operated upon by criminal thoughts and feelings, murder, —fratricide was contemplated by them, but avarice overcame that intent ; he was drawn from the pit in which he was to have been left to perish, and was sold into Egypt. Each trial and suffering is shown in this unveiled history of God's dealings, to have been the means of the advancement of the subject of it ; the sinners in this case were sowing the seeds of their own bitter, but sincere, repentance, and producing towards the object of their envy and jealousy the very state they so much dreaded ---his greatness and their own degradation. And yet, at the same time, in the hands of Him who directs men's hearts, and whose omnipotent will influences

* Rom. xvi. 25. 1 Cor. ii. 7. Eph. iii. 9. Col. i. 16.

human conduct and destinies, Joseph's ultimate position was the means of saving that same kindred from famine, besides contributing to the happiness and prosperity of a nation. In this beautiful and instructive history there are two things to be considered: the deep repentance of these men, and Joseph's conduct towards them. First, their repentance. "And they said one to another, we are *verily guilty* concerning our brother, in that we saw the anguish of his soul when he besought us, and we would not hear; therefore, is this distress come upon us." (Gen. xlii. 21.) Joseph's conduct, on the other hand, was benevolence in the highest degree; he had no vindictive feeling, or desire to punish them; he turned himself away from them indeed, but it was to weep; he went away to his chamber, but it was privately to give vent to his kinder feelings; he astonished them with his kindness to them, "they drank and were merry with him;" and when the solemn time came for making himself known, he could not refrain himself; he caused every stranger to go out; he wept aloud, and declared to them, "I am Joseph!" and his brethren could not answer him, for they were troubled at his presence: instead of adding to their amazement, or increasing their embarrassment, he said to them, "Come near to me, I pray you; and they came near, and he said, I am Joseph your brother, whom ye sold into Egypt;" and he added, "Now, therefore, be not grieved, nor angry with yourselves, that ye sold me hither, for *God did send me before you to save life.*" (chap. xlv. verse 5). Thus we see, in the case of the brethren of Joseph, a larger amount of benefit was conferred, than would have been if they had not acted wrong: God made their

wickedness subservient at once to their own repentance, and the preservation of their father, their children, and themselves. (7th and 8th verses.)

But there is another important link in the chain of circumstances, forming the history of Joseph, which ought not to be passed over, although not strictly relative to crime, namely, *his* virtuous character, the strength of his own principles, and the determination with which he acted upon them. As far as the bad conduct of his brethren was concerned, he was merely their *innocent* victim, although indications of a superior character raised their envy of him, but in his after temptation the most *active virtue* and dignity of character was displayed in his conduct; instead of departing from the path of duty, and betraying the confidence reposed in him, he put this question to his tempter, "How can I do this great wickedness, and sin against God?" (Gen. xxxix 9.) And it must be also remembered, that this distinguished servant of God was convicted, or committed, to prison, upon what was thought undisputable testimony, for a crime of which he was not guilty, and to which he was religiously and determinately opposed; dark and doubtful as his prospects must have temporarily been, this persecution was another means to his ultimate advancement; and even in the prison the force of his character displayed itself, and, therefore, "and that which he did, the Lord made it to prosper;" (23rd verse); so that in the history of Joseph we see that because his ways pleased the Lord, his enemies were made not only "to be at peace with him," but their guilty opposition, and bad treatment, were the means of ultimately *rewarding* him for his integrity and perseverance in the path of religion and virtue; or.

as the apostle expresses it, “And we know that *all things* work together for good to them that love God, to them who are called according to his purpose.” (Rom. viii. 28.)

Let us further illustrate the divine will and pleasure, as portrayed in the acts of the most sinful men. It is clear, when a man is tempted by an evil mind, spirit, or disposition, God created the evil spirit* and knew how it would act; and the tempter, as well as the sinner, therefore, performs a part of the divine government as completely as if the sinner was influenced by God himself: for instance, Pharaoh was induced, by a variety of selfish and proud motives, to disobey the divine commands, but the Scriptures declare the truth in these words, “And the Lord hardened the heart of Pharaoh;”† this is repeatedly asserted, and it is in perfect conformity with the revealed character and government of God, not that the act *ended* with Pharaoh, but was a part of a dispensation,‡ and the apostle Paul reasons upon this, and carries it out; and says, quoting the Old Testament, it was for the purpose of showing God’s power in Pharaoh, and that His name might be declared throughout the earth; (Rom. ix. 17); thus, then, Pharaoh’s ignorance, obstinacy, pride, or whatever name his crime, or sin, might be called, was subservient to the great end, the dealings of God with his creatures, and was caused for that object. So also with respect to the important event, the death of the Messiah, which was necessary to his resurrection, and its overwhelming, and scarcely appreciable consequences, it is declared emphatically, he was “delivered by the determinate council and fore-

* Judges ix. 23. Isaiah xlv. 7. Amos iii. 6. 1 Sam. xvi. 14.

† Exod. vii. 3, 13; viii. 15; x. 1. ‡ Exod. ix. 16.

knowledge of God." (Acts ii. 23.) And, it must be remembered, at the moment of his death he exclaimed, "Father, forgive them, for they know not what they do:" can we suppose that prayer was offered without effect? Let us carry out the benevolent principles and character of the Messiah, when he sits at the right hand of God, and when his persecutors will behold him in the glory of his kingdom, how they must and will be smitten when they remember the anguish of his soul, and the studied indignities with which they treated him: can we suppose him to be less noble than Joseph in encouraging them, in forgiving them? And he will, in all probability, address them thus, "Be not angry with yourselves, ye knew not what ye did;" you were the instruments in the hands of my Father in carrying out his greatest blessings, the promotion of the highest objects, and confirming the gifts of immortal life and eternal glory to mankind. We see, in fact, as Mr. Thom expresses it, that sin is an *agent*. "Plain it must be to the heavenly-instructed mind, that sin is merely one of the agents by which God brings out, displays, and develops the glories of his character: a part of the scaffolding, by means of which he is erecting that wondrous edifice of love, which He himself is to inhabit throughout eternity. Sin, being thus of the nature, of a *means*, or *instrument*, could only have been employed in connexion with a system of things, which was itself *instrumental*, *subordinate*, and *introductory* to another."*

* "Three questions proposed and answered by David Thom. London, 1849." Page 91. It will surprise all classes of Christians to be informed, that the learned author, from which the above passage is quoted, is a determined advocate of eternal punishment for sin. The subject of sin and vice in general, was quaintly

We might further illustrate this by the case of Cain, the first homicide: he could not understand the consequences of his own conduct, inasmuch as he could not know anything of the nature of death, that of Abel being the first instance of human mortality. Cain was punished, but *only* by the hand of God; he was evidently penitent, and probably subsequently virtuous, inasmuch as his posterity flourished, his eldest son having been the founder of a city. (Gen. iv. 13, 17.)

Some of the greatest and best characters in the Scriptures would have been lost to the world if they had been punished as we are in the habit of treating criminals. Let us illustrate this by the conduct of Abraham, who made preparations for slaying his own son; it is said, he even "stretched forth his hand, and took the knife to slay him:" (Gen. xxii. 10:) there can be no doubt of his intent, but when we know all the circumstances, instead of shrinking from and condemning him as a criminal, every man who believes the revealed will of God, views him as an exalted character.

Again, Moses may be instanced, the first act of whom, it is recorded, he slew an Egyptian, and hid him in the sand; and, in order to avoid the punishment of death, fled, and was absent many years; and, doubtless, during his absence, reflected upon his character, and made himself fit for the greatest objects. Many other individuals might be alluded to, and their characters similarly viewed, but it would be impious for us to impugn

although not scripturally treated, by a writer in the beginning of the last century, (Mandeville), who wrote a book, under the title of the "Fable of the Bees, or Private Vices, Public Benefits:" the author's opinions and reasonings made a great stir at the time, but they have never been satisfactorily refuted.

the character of God, because they were not punished according to our standard of criminality ; and, further, the probability is, their culpability was made subservient to their virtues, and they were better able to “ teach transgressors ” the ways of God, “ and convert sinners unto him,” (Psa. li. 13,) than they would have been had they never sinned.

The conclusion drawn from the view of crime, according to the Scriptures is, that man has nothing to do with sin himself, but to avoid it, he has nothing to do with the sinner, but to endeavour to restore him, to elevate him, as far as he is able, but the real punishment is and *must be* left to God : it has been shown, that man cannot satisfactorily determine the amount of guilt in any given person, or action ; and it will be hereafter shown that punishment is no where commanded in the New Testament, but, on the contrary, is expressly forbidden ; each man should remember that the sin of his brother may be instrumental in the hand of God to bring about sincere repentance in the sinner, as well as in promoting the best results to society, as illustrated by the selling of Joseph into Egypt, or the death of the Messiah ; and while man in administering punishments, thinking he does God service, may be laying the foundation of deep and lasting regret, as was the case of the apostle Paul, and which he never attempts to conceal. It may be said this is a view of the case which would destroy the necessity of virtue, and abolish all motives to its practice ; but this cannot be, unless man can satisfy himself of the present good tendency of all his actions, bad as well as good ; besides, man is expressly commanded not to do evil, that good may come. (Rom. iii. 8.) It must, therefore, be apparent, that

a broad distinction exists between a man's act, as that of a man, and as a part of a series of acts ordained by God, or subservient, in his hands, to more important objects. He has given commands to man, the observance of which will and must be attended with his blessing, and a large amount of happiness to the obedient; but if there were no temptations to disobedience, there could be no effort, and consequently no obedience, it would be conformity, and would follow, as a matter of necessity; but if a man is tempted to disobey, and does so, God inflicts his punishments, which, be it remembered, follow certainly, which ought to operate as a warning to others, although those punishments probably will, sooner or later, restore the offender; and, in addition to which, form a part of the means of God's moral government, and as a being perfect in all his attributes, that government is perfect, his tender mercies are over all his works; and although with man, individually, sin is condemnable, and will be painfully punished, yet with the Creator, sin, and his punishment of it also, will be instrumental in carrying out the riches of his mercy, and its final establishment over all the human race.

CHAPTER III.

NATURAL LAWS.

“ He that will carefully peruse the history of mankind, and look abroad into the several tribes of men, and with indifference survey their actions, will be able to satisfy himself, that there is scarce that principle of morality to be named, or rule of virtue to be thought on, (those only excepted that are absolutely necessary to hold society together, which commonly, too, are neglected betwixt distinct societies) which is not, somewhere or other, slighted and condemned by the general fashion of whole societies of men, governed by practical opinions and rules of living, quite opposite to others.”—*Locke on the Human Understanding, book 1. chap. 3. sec. 10.*

It is necessary briefly to examine the natural laws, in order to obtain a definite view of their real character and just weight in the government of human affairs, and to distinguish them from the expressed law of God, admitted to be such by all believers in revealed religion. “The laws of nature,” says Blackstone, (book 1, sec. 40,) “are the eternal, immutable laws of good and evil, to which the Creator, in all his dispensations, conforms; and which he has enabled human reason to discover, so far as they are necessary for the conduct of human actions; such among others are these principles, that we should live honestly (honourably, and with decorum;) should hurt nobody, and

should render to every one his due ;* to which three general precepts Justinian has reduced the whole doctrine of law ;” and, in pursuance of this, he says again, (sec. 41,) “ He (God) has so intimately connected, so inseparably interwoven the laws of eternal justice, with the happiness of each individual, that the latter cannot be attained without observing the former ; in the consequence of which, mutual connexion of justice and human felicity, he has not perplexed the law of nature with a multitude of abstracted rules and precepts, referring merely to the fitness or unfitness of things, as some have vainly surmised, but has graciously reduced the rule of obedience to this one paternal precept, ‘ *that man should pursue his own true and substantial happiness ;*’ this is the foundation of what we call ethics, or natural law. For the several articles into which it is branched, in our systems, amount to no more than demonstration, that this or that action *tends to man’s real happiness ;* and therefore very justly concluding, that *the performance of it is a part of the law of nature ;* or on the other hand, that this or that action is destructive of man’s real happiness, and therefore that the law of nature forbids it. This law

* *Juris praecepta sunt haec, honesté vivere, alterum non laedere, suum cuique tribuere.*—*Just. i. 1, 3.*

It must not be forgotten, Justinian was a christian, and whatever may be the merits of his code of laws, it cannot be doubted the above quotation is only another, but a more circumlocutory mode of expressing the principle, “ love thy neighbour as thyself :” it is a mistake too common for writers on natural religion, to take a principle of revealed truth, and reason upon it, as a deduction of the human intellect, from the teaching of nature, the observance of the natural laws. It cannot, however, be doubted, that moral truth has always existed, but it never was attained, by man, except through Divine revelation ; or, as the apostle expresses himself, “ his (God’s) ways are past *finding out.*”—*Rom. xi. 33.*

of nature being co-eval with mankind, and dictated by God himself, is of course superior to any other ; *it is binding all over the globe, in all countries, and at all times* : no human laws are of any validity if contrary to this ; and such of them as are valid, derive all their force and all their authority from this original."

As regards the operations of God in *his* government, and the laws by which *he* acts, both physically and morally, the above is unquestionably and certainly true ; he has doubtless framed his laws in conformity with the well-being of all his creatures : but the question arises, Does man—the human family—know sufficient of these laws to frame their own in accordance with them ? Shall man infer, that, because he sees what *he thinks*, natural or moral evil in the constitution and government of the world, he has a right to act wrong, or rather to do what his passions, or natural inferences, dictate to be right, and that the *effects* of such a line of conduct shall be so ? When did human reason discover the "immutable laws of good and evil ?" Did man *ever* determine what is "binding, (or right and wrong,) all over the globe, in all countries, and at all times ?" Let us see, in China, the father frequently exposes his female offspring on the banks of a river ; and, although its destruction be the result, society takes no notice of it : but, in Europe, similar exposure would be punishable by death ; and in England, during the reign of Charles I., a gentleman was fined £1000, and imprisoned in the Fleet, for preferring to "live in London for divers years past, and not going to his country residence ;" any such interference would now be execrated : human laws, judgments, and punishments, have always been uncertain,

corrupt, and inoperative ; and the supposition that they are drawn from the laws of nature, is but a cover and excuse for human presumption, ignorance, and imperfection.

There always has been an earnest desire, on the part of man, to observe *his interpretation* of natural laws, and to conceitably or presumptuously erect the tribunal of human reason, or his deductions from their operation, and dangerously err in the application of them to morals and religion, independently of the law of God, even where his revelation has been received, and its positive and plain precepts admitted, (unfortunately Christians are not, and have not been, exempt from this charge.) The extreme, indeed, it might be said marvellous simplicity of revealed or divine truth, has always been an obstacle to its adoption and advancement ; its great plainness is even *now*, as it was formerly, a stumbling block to some, and foolishness with others. It is here utterly denied that the natural laws will ever lead to the extremely short and comprehensive first principles, and commands of divine revelation : let us take the very first sentence of the Scriptures, “ In the beginning God created the heavens and the earth.” If human reason, or the natural laws teach this fact, whence comes it that it has not been *consistently* and *uniformly* maintained ? It is admitted that in the earliest ages of society men *did* worship one God, but as they began and continued to use their reason, and observe the natural laws, so they departed from this simple, but important truth, and as their reasonings and observances enlarged and progressed, so their gods increased in number, and their moral practices became degraded ; and if we believe divine revelation, it has always been

directed to call society *back* to the first principles of divine truth, and to discountenance man's reasonings, which, unless founded upon it, always tended to a contrary direction and result, than to the establishment of pure Theism, which is the basis of true religion. (Exod. xx. 3.) And even the Jewish people, to whom these revelations were directly made, were prone to imitate their philosophical neighbours—to observe their natural dictates—the natural laws, to adopt their own reasonings upon them, and fall into the most immoral and ridiculous practices. 2 Kings xvi. 3; Psa. cvi. 35 to 39; Isaiah ii. 8.

But it will be said the Jews were not a reasoning and enlightened people, if we were to particularize many of the opinions* of the Greek and Roman sages, as well as the practices of those, and contemporary nations, in some of their established and commonly practised religious festivals, and many of their sacred rites, they would astonish ordinary readers. The details of the *Ludi Florales*, at Rome, which were conducted by avowed prostitutes. The feasts of Ceres, of Cybele, of Bacchus, are alluded to, but not particularized here, because they are unfit for description: it, however, may be added, that they were of the lowest and most revolting character. Human sacrifices, and the whipping of children and women to death, in honour of their deities, being a part of their idola-

* It will probably be said, these men did not believe in the popular superstitions; their apologists, however, say but little for the force of their virtue, or principles; if they believed one thing, and taught or encouraged, and practised another, it is saying nothing in favour of the enlightened principles, and pure theistical views of Socrates, when we find that, immediately preceding his death, (a violent one) that his appeal is "to the gods;" and that he offered a cock to Æsculapius.

trous practices and worship ; in fact, there is no enormity, including the fattening and eating the children of concubines kept for that purpose, which has not been practised. Mr. Locke, in the first book of his *Essay on the Human Understanding*, (chap. 3, sec. 9,) enumerates a few of these practices,* and then with great propriety asks, “Where, then, are those inmate principles of justice, piety, gratitude, equity, chastity ? Or, where is that *universal consent* that assures us that there are such inbred rules ? Murders in duels, when fashion has made them honourable, are committed without remorse of conscience ; nay, in many places, innocence in this case is the greatest ignominy. And, if we look abroad, to take a view of men, as they are, we shall find that they remorse in one place for doing, or omitting, that which others in another

* Among other things, Mr. Locke illustrates his position, by the following quotation, setting forth the opinions, lives, and habits of a class of men, and the estimation in which they were held by the people.

“Ibi (sc. prope Belbes in Egypto) vidimus sanctum unum Saracenicum inter arenaram cumulos, ita ut ex utero matris prodiit nudum sedentem. Mos est, ut didicimus, Mahometistis, ut eos, qui amentes et sine ratione sunt, pro sanctis colant et venerentur. Insuper et eos, qui cum diu vitam egerint inquinatissimam, voluntariam demum poenitentiam et paupertatem, sanctitate venerandos deputant. Ejusmodi verò genus hominum libertatem quandam effrænem habent, domos quas volunt intrandi, edendi, bibendi, et quod majus est, concumbendi ; ex quo concubitu si proles secuta fuerit, sancta similiter habetur. His ergo hominibus dum vivunt, magnos exhibent honores ; mortuis verò vel templa vel monumenta extruunt amplissima, eosque contingere ac sepelire maximæ fortunæ ducunt loco. Audivimus hæc dicta et dicenda per interpretem à Mucrolo nostro. Insuper sanctum illum, quem eo loco vidimus, publicitus apprimè commendari, eum esse hominem sanctum, divinum ac integritate præcipuum ; eo quod nec foeminarum unquam esset, nec puerorum, sed tantummodo assellarum concubitor atque mularum.” *Peregr. Baumgarten*, 1 2, c. 1, p. 73. *Where are these things forbidden by nature ? How do we know they are in opposition to nature’s laws ?*”

place think they merit by :” and further, by our English law, “An infant under twenty-one years of age is privileged so as to escape from imprisonment, and the like, and particularly in cases of omission, as not repairing a bridge or a highway, and other similar offences, for not having the command of his fortune till twenty-one, he wants the capacity to do those things which the law requires, but at eight years old he may be guilty of felony; also under fourteen, though an infant, shall be *prima facie* adjudged to be *doli capax*, and could discern between good and evil, he may be convicted, and suffer death. Thus a girl of thirteen has been burnt for killing her mistress; and one boy of ten, and another of nine years old, who had killed their companions, have been sentenced to death, and he of ten years actually hanged, because it appeared upon their trials, that the one hid himself, and the other hid the body he had killed, which hiding manifested a consciousness of guilt, and a discretion to discern between good and evil. And there was an instance, in the last century, where a boy, of eight years old, was tried at Abingdon, for firing two barns, and it appearing that he had malice, revenge, and cunning, he was found guilty, condemned, and hanged accordingly. Thus also in modern times, a boy of ten years of age, was convicted, on his own confession, of murdering his bed-fellow, there appearing in his whole behaviour, plain tokens of a mischievous discretion; and as the sparing this boy, merely on account of his tender years, might be of dangerous consequences to the public, by propagating a notion that children might commit such atrocious crimes with impunity, it was

unanimously agreed by all the judges that he was a proper subject for capital punishment." *Blackstone, vol. 4, sec. 23, 24.*

The natural laws have been appealed to, to determine the guilt or innocence of the party accused ; it was *naturally* supposed God would interfere to protect the innocent ; the trial by ordeal,—by fire and water, was established ; the accused was, in the one case, to take in his hand red-hot iron, or walk upon burning plough-shares barefooted, and if he or she escaped unhurt, was acquitted ; the water ordeal was performed by plunging the bare arm up to the elbow in boiling water, and the guilt of the party determined if he was injured ; or by casting the accused into a river or pond, and if he was sustained without any action of swimming, he was deemed guilty, but if he sunk (and was drowned) acquitted. Trial by oath was instituted, and the accused was called legally, or offered voluntarily, to purge himself by oath, and upon his declaring his innocence, was instantly acquitted ; this was found to fail, and the accused was next required to appear with a certain number of freemen, his neighbours and relations, who corroborated the oath which he took, by swearing that they believed all that he uttered to be the truth ; in some cases three hundred of these witnesses were necessary to acquit the person accused, "and," says Mr. Robertson, "whoever then was bold enough to violate the laws, was sure of devoted adherents, willing to abet, and eager to serve him in whatever manner he required." And he adds, "All these various forms of trial were conducted with many devout ceremonies : the ministers of religion were employed ; the Almighty was called upon to interpose

for the manifestation of guilt, and for the protection of innocence, and whoever escaped unhurt, or came off victorious was pronounced innocent by the judgment of God.”*

These wicked and absurd practices are now abolished, but what becomes of the certainty of the “*natural laws which are binding all over the globe, at all times and in all countries?*” There are no natural laws which can direct mankind aright in morals or religion; men never were so directed. The natural laws will only direct us in natural pursuits and objects, and even then it is, to a great extent, a matter of experience, or constant effect upon the senses, but they never did, nor will direct man aright in morals; that direction is, and must be left to divine revelation, to the law of God, communicated directly by himself, or through his accredited messengers, and *to that alone*.

But Mr. Blackstone himself goes on to show the fallacy and uncertainty of our interpretation of the law of nature, although reason be used therein, and says, “This has given manifold occasion for the benign interposition of divine providence, which, in compassion to the frailty, the imperfection, and the blindness of *human reason*, hath been pleased, at sundry times, and in divers manners, to

* Robertson’s History of Charles V., vol. i. sec. 1. Many other ordeals have been adopted in order to establish the guilt or innocence of the accused, all grossly absurd, but some more ridiculous than the above, (See Blackstone, vol. iv. sec. 345, *et seq.*) but all proving the folly of observing the natural laws in relation to moral guilt; and it is, therefore, open to a question whether the mode now adopted can be said to be anything more than a great refinement upon former ordeals?

————— “I not deny

The jury passing on the prisoner’s life,
May in the sworn twelve have a thief or two,
Guiltier than him they try.”—*Measure for Measure*.

discover and enforce its laws, by an immediate and direct revelation. The doctrines thus delivered, we call the revealed, or divine law, and they are to be found only in the Holy Scriptures. These precepts, when revealed, are found upon comparison, to be really a part of the original law of nature, as they tend, in all their consequences, to man's felicity. But we are *not from thence* to conclude that the knowledge of these truths *was attainable by reason in its present corrupted state, since we find that until they were revealed, they were hid from the wisdom of ages.* As then the moral precepts of this law are indeed of the same original with those of the law of nature, so their intrinsic obligation is of equal strength and perpetuity; *yet undoubtedly the revealed law is of infinitely more authenticity than that moral system which is framed by ethical writers, and denominated the natural law, because one is the law of nature expressly declared to be so by God himself;* the other is only what, by assistance of human reason, *we imagine to be that law; if we could be as certain of the latter, as we are of the former, both would have an equal authority, but till then they can never be put in any competition together;*" (Book i. sec. 42); and of this revealed law more hereafter.

It is, therefore, highly probable that mankind, in their anxiety to observe the natural laws, should disregard their own "true benefits," and mistake their own "true happiness;" thus a man may say that all men are born equal, and that God has given all his benefits to men, and, therefore, they belong equally to all, and that one man has a right, either by force or fraud, to take that from another *which he thinks justly belongs to himself, or*

which, if obtained by him, would contribute to his own "true and substantial happiness;" if he acts upon this reasoning, and acquires a part of his neighbour's goods, and is detected, society steps in and interferes, by inflicting a punishment upon the offender, and that punishment, be it remembered, is the result of an established law, equally supposed to contribute to man's "true and substantial happiness;" thus it becomes a question, that seeing mankind, individually, are not cured of this propensity to violate the principles of truth and virtue, may not society be in error itself, with respect to the treatment of the offender, as well as he (the offender) in respect to the treatment of his fellow-creatures? Mr. Paine says, in his "Rights of Man,"* "A man, by natural right, has a right to judge in his own cause." A man with strong passions, an uncultivated mind, or under very strong temptations, will infer, very readily, he does very little, if any wrong, in acting upon his right: indeed, under any circumstances, as far as nature is concerned, there is nothing to teach him to surrender it; society attempts, by physical force, to take it from him, or on detection, punishes him for exercising this natural right, but it is revelation *only* that interferes and addresses itself to mankind individually, as well as collectively, and denies the existence of any such right, as will be hereafter shown. Blackstone (book i. sec. 126) also says, "This natural liberty consists properly in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature," which is a contradiction, clearly shewing the want of something superior to that law.

* Mr. Paine was not a believer in divine revelation.

But further, with respect to the punishment of criminals, or in the operations of the law towards them, especially as it imitates the law of nature; the government of God has set fixed results to a given line of action, and they *always* operate, and *are certain*; thus a man who is pursuing an immoral course, however private and secure from the observation of his fellow-creatures, loses his self-respect; is conscious of his guilt, and, besides other results, always dreads detection, and its *moral* consequences; while human laws or punishments only act upon the detection of the offender, and even then, in many cases, imperfectly, in all with uncertainty, and perhaps in none with a view and tendency to his restoration; it is questionable whether they lead to a prevention of crime, or only to greater skill in its commission, and are we quite sure that any other object is contemplated than revenge? however much we may disguise it from our own minds, under the specious names of majesty of the law, administration of justice, preservation of society; and if it be revenge, or if that feeling, under whatever name we call it, influences us, our punishments will have an injurious tendency upon ourselves—our social condition—besides an injurious effect upon all those who are the subjects of it, as offenders or criminals; at all events, no higher motive can be appealed to in the minds of offenders, than the fear of detection, from its *legal* consequences: is this the motive by which we ought to influence them, and can it bring about a beneficial result?

It is remarkable, the difficulty which is felt by the learned judge (Blackstone) in his interpretation of the laws of nature, and their application to human conduct, especially in relation to dealing

with crime ; and he feels constrained, in the passage above quoted, to have immediate recourse to the revealed law of God ; (see page 48 ;) but he, without reference to that revelation, goes on treating crime precisely as if such a law did not exist ; in fact, upon purely supposed natural law. Mr. Combe, on exactly the contrary, treats crime and the criminal upon the principles expressly and plainly commanded by the law of God, as set forth in the New Testament, and as illustrated by the character of the Messiah, yet he would lead us to infer this mode of dealing with them is the result and dictates of the natural laws, to which in his practice, or opinion at least, revealed religion is *secondary*, and requires the aid of a natural science to complete carrying out its principles, and to enable mankind to understand its doctrines. “ The religious teachers of mankind,” says he, “ are yet ignorant of the most momentous fact that *nature* presents, in regard to the moral and intellectual improvement of the race. I have heard it said, that Christianity affords a better and more instantaneous remedy for human depravity, than improvement of the cerebral organization, because the moment a man is penetrated by the love of God in Christ, his moral and religious affections become far stronger and more elevated, whatever his brain may be, than those of any individual without that love, however noble his cerebral development, and however much he may be instructed in natural knowledge. I observe, however, that in this life, a man cannot become penetrated by the love of God, except through the aid of sound and efficient material organs. This fact is directly proved by cases of madness and idiocy.”*

* Combe, chap. 8, page 311.

I confess I see some difficulty here, but I apprehend it does not rest with the religious teachers of mankind alone, I presume that few of them would expect to produce an effect upon “idiots or madmen;” natural philosophers and phrenologists must, at least, share the difficulty; but the main question is, *How is a sound state of the cerebral or material organs to be produced?* How did the Messiah proceed towards accomplishing this object? Let us suppose a case. A virtuous parent, with his mind imbued with high views of human objects and relations, with a christian knowledge of his duty to God, and an humble and earnest desire to obey it, as well as an anxious desire to promote the welfare of those by whom he is surrounded, will his example have no effect upon his child? Will not the happiness which results from such a line of conduct be communicated? Will not his benevolent and cheerful teaching produce a beneficial effect? Under his training, will not the benevolent and good dispositions of the child (call them organs if you will) be promoted and enlarged—the effect would not be instantaneous, but would an effect *more* instantaneous be produced by any other mode of treatment? If I am asked, can men with depraved dispositions, and long continued sensual habits, be *suddenly* changed by the application of divine truth to them, or their reception of it? I answer, *certainly not*; therefore it is to these persons, and to such as these, the strong-minded believers are especially exhorted to “suffer long and to be kind,” to “bear all things,” “believe all things, hope all things, endure all things.”* Phrenology does nothing more; it attempts, it can do nothing more towards producing a healthy and sound cerebral organization than this. Chris-

* 1 Cor. xiii. 4 and 7.

tianity, if its principles be properly applied, and patiently persevered in, will do its work, and eminently fit man for his moral duties, and condition in this life—enlarge his mind, improve his disposition and mental organization, as well as fit him for a future state of existence, infinitely better than ever *was* or can be done by attending to the dictates of the natural laws.

But, unfortunately, the religious teachers of mankind have laid themselves open to a charge, if not of ignorance, at least of mistake, in their mode of teaching and illustrating divine truth; but it is in exactly the *opposite* direction to what Mr. Combe points out: they have been too fond of adding the deductions of human reason to the simple truths of the gospel; they have combined with the law of God the mysterious laws of nature, or their contradictory interpretations of them, and have got into almost inextricable confusion; and a further consequence is, the Christian church is as much divided into opposing sects, and almost as much diverted from the simplicity of revealed truth, as the heathen world was in *their* estimation and interpretation of the natural laws, and in the application of them to morality and religion; and it is feared some of our practices are not much better. May not the question be put, are we progressing or receding in morals? notwithstanding our cultivation of science, and our eager devotion to natural philosophy. Let any reflecting man look at a few of the largest Christian sects, and contemplate the important differences which characterise them, and then ask, whence these differences? then let him contemplate the truth as given by the Messiah himself, as quoted by Mr. Combe, “Love thy

neighbour as thyself; all mankind are thy neighbours; Blessed are the meek and the merciful; love those that hate you, and despitefully use you; seek that which is holy and pure, and of good report: these are the precepts to be found in Scripture." (Chap. viii. p. 312.) But they *are not* the precepts taught by an observance of the natural laws; and the Christian world would be benefitted, if they were called to a sense of the overwhelming importance of their own principles, and to their practical neglect of them: Mr. Combe certainly deserves well of society for calling attention to that disregard, although it is to be feared, what he points out has not created, and will not by itself produce, a remedy.

"History" says he, chap. ix. p. 314, "is full of instruction concerning the insufficiency of mere theological knowledge to protect men from practical errors, when their understandings are unenlightened in regard to philosophy, and the constitution of nature; the part which the religious teachers of Europe acted in regard to witchcraft, affords one striking proof of this remark."* With every respect to Mr. Combe,

* The proposition, instead of standing as Mr. Combe has placed it, if fairly put, would resolve itself into two, and stand thus: history fully proves that man has never sufficiently observed and obeyed the law of nature, as to protect himself against a vast amount of physical suffering; it also proves that man has never regarded and obeyed the revealed will of God, so as to produce a high intellectual state of morality and happiness: all the cases he has cited would fully prove these two propositions, under their respective heads. I most respectfully conceive he errs in mixing them up together: the law of nature, and the revealed law of God, I submit, are totally different in their relations; the former relates to man with respect to present, external, and physical objects; the latter, to the future, as well as the present well-being and moral elevation of the species—with the internal

history is full of instruction, how determinately science, philosophy, and an observance of the natural laws, taught witchcraft; how the minds of men, unaided by divine truth, clung to and encouraged it; how divination, under multitudinous forms, influenced the actions and motives of men under the dictates of natural or idolatrous religion. He has not dwelt upon how many wicker images the ancient Britons filled with prisoners, and burnt in honor of their gods, the observance of their religion, or from their feelings of revenge: he has enlarged upon the number of victims who have suffered under the charge of witchcraft by

conformation of the human mind—for infinitely higher objects than his present sensual, animal, and external condition alone.

Christian teachers err with respect to divine truth, exactly as the natural philosopher would act in regard to the lever, if he should extol its power and peculiar fitness to lift a given weight, but not adopt its use. The Christian world admit the power of their principles, and their fitness to produce the most invaluable results, but *will not* practice them: the mere knowledge of them is indeed of little avail; the *practice* of them would demonstrate their power.

It is not, however, attempted to be denied, that men frequently neglect their natural duties to attend to their religious observances: this is not, however, dictated by true religion, and will lead to poverty, discomfort, disregard by the world, disease, and possibly untimely death; while the man who attends exclusively to natural pursuits and objects, may possibly become rich and powerful, be healthy, and live a long life; but this class of persons, it is to be observed, are not necessarily happy, nor really respected, and certainly never tend to ennoble or elevate their species, either by their example or self-denial: and however much they may pride themselves, they will be in the condition of those denounced as neglecting justice, mercy, and truth (Matt. xxiii. 23.) Believers in divine truth are assured, that if they first seek the kingdom of God and his righteousness, all natural good things shall be added unto them (Matt. vi. 33.) Let them found their actions on the commands of God, no really valuable blessings will be withheld from them (1 Kings iii. 13.) true religion will teach them how to acquire the greatest blessings, and, what is of more importance, *how to use and enjoy them.*

the hands of Christians (be it remembered, in their observance of natural laws;) but he would have shewn, had he dealt justly by the divine precepts, which their professors abandoned or neglected in their unjust severity in relation to these parties, that they are no more inefficacious, than the physical laws are to be considered inoperative, because the people of Edinburgh built their houses of wood, although they knew that wood was combustible, "not only in itself, but involved in inevitable destruction every combustible object within its influence." (Combe, chap. vii. p. 278.) Natural laws *do* teach punishments; the observance of them teaches that man is punished for all their infringements: animals worry each other in their natural conditions and operations, and man draws the inference that he has *a right* to follow in the dictates of the natural laws, and obey his instinct,—his natural inclination to punish; but it is revealed religion steps in, and *commands* the cultivation of the benevolent affections, and *imperatively insists* upon their exercise, especially in relation to all offenders.

The inference then drawn from the history of mankind, heathen, jewish, and christian, with respect to the operations of the natural laws, under all circumstances, and at all times, as far as society have acted upon them, or its deductions from their operation, is, that they are insufficient to promote the *moral* welfare of man; that man has never drawn any true religious conclusions from them; that, without divine revelation, where the arts have flourished, and philosophy been most triumphant, there has been the most false religion, and the most degraded morals; consequently, an observance of the natural laws, valuable as it un-

questionably is in relation to all physical objects and connexions, necessary as it is to enlarge and form the experience of mankind, by encouraging his reason in progressive artificial refinements upon them, in order to improve his animal or natural condition, the cultivation of the *moral* principles, the exercise of the *benevolent affections*, the observance of true religion, the possession of present peace and happiness, as well as the hope of everlasting joy, can only be arrived at through the attentive observance of, and strict obedience to, the laws of God, by his simple but, if obeyed, omnipotent commands, through Christ Jesus. We shall therefore go, in due course, to the consideration of how the degraded, the unfortunate, or the wicked, should be treated, unencumbered with any consideration of the natural laws, as they always have misled, we have, therefore, no right to give them any authority upon the subject: we must appeal to the law of God alone, as interpreted in the New Testament.

CHAPTER IV.

PUNISHMENT.

How judicious and wary ought princes, lawgivers, judges, juries, and even masters to be. They ought not to consider so much what a stout, resolute, obstinate, hardened criminal may bear, as what the weaker sort, or at least, (if that can be known) the person immediately concerned, can bear, that is, what any punishment would be to them. For, it is certain, all criminals are not of the former kind, and, therefore, should not be used as if they were. Some are drawn into crimes which may render them obnoxious to public justice, they scarce know how themselves; some fall into them through necessity, strength of temptation, despair, elasticity of spirits, and a sudden eruption of passion, ignorance of laws, want of good education, or some natural infirmity or propensity, and some who are *really innocent*, are oppressed by the iniquity or mistakes of judges, juries, witnesses, or, perhaps, by the power and zeal of a faction, with which their sense or their honesty has not permitted them to join. What a difference there must be between the sufferings of a poor wretch, sensible of his crime, or misfortune, who would give a world for his deliverance if he had it, and those of a sturdy veteran in roguery; between the apprehensions, tears, faintings of the one, and the brandy and oaths of the other; in short, between a tender nature and a brick-bat.

In general, all persons ought to be very careful and tender when any other is concerned; otherwise they may do they know not what, for no man can tell by himself, or any other way, how any other may be affected.

There cannot be an equal distribution of rewards and punishments by any stated human laws, because (among other reasons) the same thing is rarely either the same gratification, or the same punishment, to different persons.—Woolaston's Religion of Nature Delineated, sec. 2.

WHOEVER will take the trouble to read Blackstone's first chapter in the fourth volume, will

remark the difficulty he is surrounded with in considering the subject of punishment, but he expressly remarks, that it is *not* to make atonement or expiation for crime, "for that must be left to the just determination of the Supreme Being;" but the ends of human punishment he resolves into three—the amendment of the offender, deterring others from offending in the same way, and depriving the offender of the power of doing future mischief. Let us examine how the infliction of human punishment operates to effect these objects.

In our modes of awarding punishments, the most guilty frequently entirely escape, and a large amount of suffering is generally entailed upon others besides the guilty or convicted person; such is the condition of our existence, that no pain can be inflicted without involving others in its consequences, in a greater or less degree. Let us instance the case of a youth detected in a crime; his family become involved in his punishment, and are tempted to degrading artifice and falsehood to conceal it. How frequently are the hearts of parents broken, and virtuous families scattered, by an event like this: or let us instance a father, with a family depending upon him for support, under punishment; his home is broken up, his family pauperized, and therefore more deeply vitiated: and, let it be remembered, these are very frequent occurrences; and in the latter case, the community has not only expensively to support the culprit, but to maintain his family, and, in all probability, form circumstances for the production of future criminals. The question has been recently asked, what shall we do with discharged prisoners? But other questions are

equally imperative, and among them, What ought we to do with the children of prisoners? Frequently, the imprisonment of a father of a family, and always his transportation, is worse in its consequences to that family, than his natural death would be; and these evils ultimately fall upon society.

If the tendency of punishment, as now exercised, be fully considered in all its bearings, it will be discovered the community suffers nearly as much by its application as it does by crime; and no one disputes the rule to be, that the prisoner is made worse by its adoption; the exception being very rare, in which his good dispositions and capabilities are improved. We will first glance at the prosecutor, probably an amiable well-disposed man, having detected an offender, and determines to deliver him over to the law, "that justice may be satisfied," "and that such persons must not be let loose upon society unpunished;" "He must be made an example of," and similar established principles: he is first appealed to by the offender, and probably knows many good traits in his character, and believes upon the whole he is a respectable member of the community; but there is the fact of his crime, and he resolves "the law shall take its course:" then the friends of the offender appeal to him; they endeavour to engage his feelings, and urge him not to prosecute: his sympathies are deeply interested, but he resolves to "be firm:" next come other friends less deeply interested, but offer to recompence him for the injury sustained, and arrange it with him, frequently in a substantial manner, but he resolves to do his duty, and will proceed. Let us view this prosecutor and his witnesses at the time of trial, in the

vicinity of the court of justice: who is there that can say that their neighbourhoods, during sessions or assizes, are at all favourable to the preservation or promotion of virtue? It would not be in conformity with the object herein contemplated, to detail it, but it may be characterised as impure and demoralizing a gathering as can be met with; yet here he must remain, frequently for days before his case comes on, and when it does, his culprit is acquitted upon a point of law: perhaps, after a long or confusing cross-examination, he is made to contradict himself, and it is made to appear he tempted the prisoner, and ought to change places with him; or the prisoner is acquitted, because the jury conceive themselves judges of law as well as of fact: and if a conviction be obtained, and the culprit punished, the sentence is carried out without any reference to its effect upon him; but the law has taken its course, and justice and society are satisfied, without attending any further in the matter. But let us ask any thinking man who has been a prosecutor, whether he is satisfied with the result? Does he not feel an uneasy sensation that all is not as it should be? whether some better method might not have been adopted by himself, or by the institutions of society, in such cases? Does he come away with the conviction that any parties are benefitted by the whole proceedings? and, except in cases in which he has felt himself avenged upon the culprit, or had a reason for putting him away, does he feel pleased with the result, or with the share he has taken in the transaction?

A lady, about two years ago, went into a shop in the metropolis, and took up a silk umbrella;

there could be no mistake on the subject, she went in on purpose, was seen to take it away, was followed and taken into custody, with the article upon her, she was committed by the magistrate, and every appeal and representation was made to the prosecutor, to induce him to forego the prosecution; he, however, remained firm, and at the trial, the counsel for the prisoner pleaded not guilty, on the ground of insanity; the judge, wisely and properly, in the present state of the law, recommended the plea to be withdrawn, and one of not guilty to be substituted; the trial proceeded, the prisoner was found guilty, and the sentence was, that she be imprisoned *one hour*. This case suggests many valuable considerations: first, the criminal was above temptation, at least as far as want is concerned; in the next place, she was well informed; and, lastly, she moved in a sphere in which crime, such at least as that which she committed, would not be likely to be tolerated or common. But these circumstances, upon a just administration of punishment, as far as it is adapted to moral guilt, and as generally supposed to be apportioned to it, ought to have weighed *against her*, the present mode of applying punishment should have suggested, she had no excuse, and ought to be made the most severe example of; while the poor unfortunate criminal, with the pressing and urgent incentives of want, perhaps of starvation, combined with the grossest ignorance, and placed in an atmosphere of crime, all tending to blunt the moral perceptions, would not certainly have been let off so easily; but such an award of punishment as this, tends greatly to promote disrespect for the administration of justice in the minds of the people, instead of leading

them to fear it, rather makes them feel a sort of martyrdom; and they say that money, not justice, station in society, not the equitable adaptation of punishment according to guilt, or law, are supreme. But let us go back to the original question, who is benefitted by a prosecution like this; is the prosecutor? Can he feel that he has done his duty? the culprit *has* been let loose in society to continue her crimes. Is the community benefitted by the expenses incurred, and one of its erring members restrained from committing further depredations; or is an offender restored to the path of virtue and happiness? The latter, indeed, may be the case, but certainly not in *consequence* of the punishment awarded for her proved guilt. And, lastly, what has been the result to the criminal and her connexions? She has been restored to her family, and to her duties, in this instance, and is she not likely to become, or continue, a better member of the community than she would if she had been imprisoned one, two, or even twelve months? and with *her* previous habits, the probable effects of imprisonment would have been less prejudicial than they are to a less informed person, to whom the habits of fellow-prisoners, their characters and sympathies, would tend certainly downward in habit, disposition, and character, when placed with them. A few hours in any court of justice shews that after a person, especially if young, has been committed to prison, he or she is almost ever afterwards a candidate for its repetition. But let us go further, and ask the probable motive to the commission of the crime above alluded to; it is difficult to give the motive, and difficult to account for the act. Let us suppose the criminal asked, she would in all probability

say she could not tell, and doubtless would assert the truth; if then an act springs from causes so obscure, and is so difficult to be accounted for, in the hidden workings of the human mind, ought we not to pause before we determine that punishments are the *best mode* of prevention or cure. And the same remark applies to the poor depressed criminal, whose motive to crime is more palpable, whose want and privation will readily suggest a reason for its commission; is the punishment of any avail to prevent or remove the causes? And does it diminish the effect? Is it not a fact, that many, if not all, of the depraved laugh at imprisonment? Do not many say they prefer it, and commit crime on purpose to obtain it? * These things tend to establish

* During a conversation with a number of depraved persons, the following remarks were made by them, "What is the use of talking to us about work: how can we get our livings? you (the authorities,) are resolved to punish and degrade us, and you do it when you can; and we have made up our minds to spend our time between the workhouse and the prison, and nothing shall prevent us doing so."

It is in place here to notice Mr. Pearson's lecture on prison discipline, at Exeter, on the 24th of August last. Mr. Pearson's theory appears to be, to make punishments more certain, more definite, more productive, and more severe, yet, at the same time, to instruct and improve the prisoner as much as possible. After alluding to the legislature bringing within the scope of its punishment many petty offences, he says, "If the legislature had prepared a proper system of punishment, to give sanction and force to these penal laws, and to repress these petty offences, I am not prepared to say, that the enactment of such is not to be justified by the principles of legislation which ought to prevail in an enlightened and civilised community like our own." It would be difficult to define the amount of punishment due to a child for "trundling a hoop, or flying a kite, in the street:" a mild remonstrance at the moment, would be all that was due in such matters, and would be more effectual than any punishment that could be adopted. He, however, very properly goes on to deplore the efforts now making in some of the gaols to accomplish the

the position, that punishments, as now awarded in some persons or cases, lead to the extension of crime; in the instance above alluded to, where it was virtually dispensed with altogether, what did society suffer? Is it supposed this case is isolated? or if such a mode of treating criminals in good circumstances were to become general, ladies or matrons would leave their families, and break all the virtuous bonds of society, by becoming professed shoplifters? But it is a well established fact, that the case above stated is by no means singular: crime frequently manifests itself in very high society, but how seldom does it meet with legal punishment. Will any man say that the comparative immunity from it, among the rich and educated, tends to demoralise them, or to render the property and lives of their associates less secure? Why should not the principle of forbearance be universally adopted, or at all events indiscriminately tried? Human vindictiveness is a fruitful source of earthly misery, poverty and degradation, whether it be legally or individually exercised.

If punishments are adopted, their objects should be, not only to prevent crime, but to promote a high moral tone in society: with regard to the

the great expense of the virtuous and industrious. He alludes to gaol amusements, and to the prisoners giving lectures to each other on the highest branches of knowledge; there is a double mistake committed in this, besides its injustice: the first is in supposing these things necessarily lead to, or indicate, a good, practically moral frame of mind, and the last is under the name of punishment, actually *rewarding* the depredator. Mr. Pearson falls into the common mistake of assuming juvenile delinquency to be *necessarily* an evil; it becomes so only by the mode in which it is treated: if it be dealt with properly, good, instead of evil, would frequently arise from it, but treated, or punished, as it now is, *every one sees and deplors the result.*

first, it will be asserted, that punishments do deter many from the commission of offences. This is a position which is denied, inasmuch as the criminal is, upon conviction, sent into a nursery for crime, and generally becomes, after imprisonment, a depredator by profession; almost all criminals admit the prison is not so undesirable, after the degradation is once submitted to, as the innocent or unconvicted suppose it: imprisonment, or the punishment provided, even where dreaded, tends certainly not so much to prevent crime, as it does to additional caution in its perpetration; there is a very broad distinction between being afraid to commit a crime, and being afraid of legal punishment. But imprisonment, as it has been carried out of late, it may be said, is improved, a system of silence and separation is adopted; but is it not a fact, that in proportion as the contagion of crime is supposed to be prevented by this system, insanity has been induced, and the mysterious agency of sympathy is in full operation. But if we admit fear of punishment does deter offenders, is there not a higher motive which may be appealed to, or called into action, in our treatment of the vicious and criminal portion of society? Fear, with its degrading useless tendency, has been tried long enough; let us try christian, active, untiring benevolence; let us endeavour to produce, among ourselves, a state that we have hardly hitherto conceived, namely, that the fear of the bad shall be reduced to the fear to commit the crime, rather than of the consequences which flow to them in the shape of punishment, from fallible, uncertain, and frequently inoperative human institutions. It will be said, this is utopian and impracticable, only

a small approach to it is likely to be attained in a very high state of society. If it be supposed, it is contended, crime will be banished from human communities, the answer is, that will never be done, at least in this imperfect state of our constitution : but crime may be lessened ; its consequences to the virtuous may be ameliorated ; the criminal may be restored in many more cases than is now supposed likely ; many may be prevented from falling into guilt and infamy ; society at large may be improved and softened, by a line of conduct being adopted in conformity with the highest motives and hopes that can adorn and dignify the human character. The experienced and virtuous part of mankind should conduct themselves towards the young or vicious, so as to encourage them, in all cases of aberration, to look upon them as their guides, friends and instructors, instead of their enemies and prosecutors. If a child hurt itself by a fall, is it just to punish him ? or is it not rather wise to encourage him to inform his elders of it, thereby probably preventing the most serious natural consequences ? If this be true in physics, why should it not be true in morals ? Why should not mankind imitate the conduct of their heavenly Father, and encourage the sinner to the confession, " I have sinned ;" approach him with affection and brotherly or fatherly care, for his restoration, instead of making the breach wider by the dread of punishment ? Crime should be looked upon as a part, we must admit a mysterious part, of the divine arrangements, existing, like all that God permits or causes, for some good object : it is, at present at least, an inevitable, a necessary part or ingredient in our existence, and the criminal

should be treated by the good in accordance with this view of the matter.

Mankind are, certainly, but little influenced by fear, especially when the object dreaded is uncertain, (and human punishments never can be made certain,) although it may be highly probable: for instance, the soldier, when he marches to battle, is certainly not influenced by the fear of death, or mutilation; he is influenced by a higher object, however forlorn his prospect may be, it is the rule for him vigorously to perform his duty. Many other instances might be adduced, in which fear is altogether inadequate to the prevention of a given line of action; why then should it be the *only* motive appealed to as a means of preventing crime? why should we suppose the criminal influenced more than the soldier by this motive? The latter, who acted from its dictates, would be taunted by his comrades, and so would the criminal among his fellows.

It is amazing the amount of ingenuity, and personal risk, that practised criminals sometimes manifest and undergo in the perpetration of crimes, and the large amount of training frequently required to make a culprit; both these show that fear becomes a natural and necessary excitement, and is the last feeling likely to operate upon them as a preventive, the only inference to be drawn is, that the risk of punishment, as has been already stated, is one of the inducements, or excitements to, the commission of crime, especially as we know the pains and labour which is frequently taken by this class of persons would, if used in a proper pursuit, lead to success, and respectability in life.

In a morally diseased mind, it is highly probable that the notoriety attained by the perpetration of a great crime, and the importance attached to him upon detection, may sometimes weigh with him as an inducement to court the risk of punishment. Let us glance at the circumstances as they occurred at the execution of the criminal alluded to in a former chapter, (Gleeson Wilson.) The extracts are taken from a long account in the *Liverpool Chronicle*. "The railway, in the true spirit of cupidity, turned the occasion to a business purpose, by running cheap trains, all of which were closely packed." "Madame Tussaud had a representative present at the earliest moment, to obtain the clothes of the wretch for exhibition in the metropolis; and an eminent phrenologist was present to take a cast of his head." "One of the priests came forward, and placed his head under the gallows, looked up, oracularly touched the iron chain across the tranverse beam, and shrugging his shoulders, retreated into the gaol. What this pantomimic action meant puzzled every one; but the grave occasion did not prevent the crowd from laughing heartily." "He (the culprit) had a cross suspended from his neck, and a book in his hand, and looked quite cheerful and happy." Two persons were sent to recognize him, "but being unable to do so, he laughed at this, and said 'thank you,' and bade them, in the most easy and careless manner, farewell." "He looked even better than at his trial; he surveyed the vast multitude before him calmly and steadily, his cheek never blanched, his eye was firm and resolved, and not a nerve seemed moved;" and to the last he persisted in asserting his innocence, and "when the drop fell, a *faint cheer* was heard

in the distance." These circumstances are only a small portion of what took place, but how can they have a beneficial tendency upon minds so constituted or depraved, as to commit great crimes; are they not rather a collateral inducement to their commission than a preventive.

It very generally happens, a great crime is followed by many more of the same kind in rapid succession. A man in a frenzied state of mind, ready to commit suicide, instead of quietly destroying his own life, has nothing now to do but to commit a great crime, and thereby fix the eyes of society upon him: he is for weeks paraded before the public; his looks, his dress, his minutest actions chronicled; he will be tenderly treated or waited upon by the most important officials, and ultimately die, in the presence of thousands admiring his heroism, and expressing their admiration, either of the man or the event, as in the preceding case, by a "faint cheer," and sometimes by a round of applause.

One of the tendencies of human punishment is to beget a laxity of principle in education; the parent or teacher is disposed to think it sufficient to point to the consequences of crime, as dealt with by law, and say, you must not steal, or you will go to prison; you should not get into such passions, you will some day do an injury to some one, and be punished; thereby establishing a most fallacious principle of morality, or rather no principle at all, as no higher motive to duty is inculcated, than the problematical legal consequences of an action, or than the fear of punishment; but if no such ground of appeal existed, the parent, or teacher, would be compelled to take other means for enforcing duty and virtue; the

rights of property would be explained to the young, in one case, and their own and other's well-being and happiness, must be shown to materially depend upon their observance of them ; and in the other, the necessity of controlling their passions, and regarding the dispositions and feelings of their fellow-creatures, would be shown to prevent them much uneasiness and trouble, and lead to affection and respect in themselves, in their future intercourse ; it is admitted this will lead to more trouble on the part of parent, or teacher, but trouble, and incessant pains *must* be taken to form the youthful mind, in order to lay the foundation of future character ; much must be done, instead of an angry punishment, accompanied with the exclamations, You will come to be imprisoned, transported, or hanged !

Another effect of human punishment, is a deceitful consciousness that we have another and a stronger hold on others, than the existence, in them, of virtue and integrity, or the upright example of ourselves would justify us in entertaining. We only, in a secondary degree, depend upon character ; we mainly rely upon the law, and the punishment provided for its violation : a man may be careless in his affairs ; he may neglect his property, so as to create in certain minds almost irresistible temptation ; he may even be dishonest in his own transactions, and induce those around him to assist in his dishonesty ; yet, for the smallest departure from honesty on the part of one of his assistants or servants towards himself, he is forthwith punished as an example. The possibility of inflicting legal punishment by the offended, and the hope of escaping it by the offender, draws off the attention of both from the certain results which

attend all deviations from the paths of religion and duty: while man is constituted as he is; as long as selfishness, anger, revenge, dislike, detraction, or any evil passions, enter into or form part of our constitution, an offender will, upon detection, always suffer quite enough from his fellow-creatures, by the involuntary exercise of these feelings, without imposing punishment, *as a duty*, either individually, or by legal provision; it must be remembered, that nearly all the personal wrongs now inflicted are in return for some real or supposed offence, in other words, punishments: while legal punishments are recognized *as necessary duties*, a man, when offended, thinks he has a right to take the law in his own hand, or secretly avenge himself; if prosecution be a duty, when there is no law to meet a case or an offence, why is it wrong for an injured man to avenge himself, and punish him who has committed the injury?

An instructing illustration of the origin of punishments, their useless immoral nature and tendency, is set forth in the desire constantly manifested by a large portion of the trading community, to enforce more stringent laws between debtor and creditor: it is said, there is an immense amount of money lost annually in the shape of bad debts; let it be admitted; but to whom is it lost? is it lost to the community? if so, it is a serious evil, but *only on that* ground ought the community to legislate upon the subject: but it is not lost to them, and they, as collected in the legislature, have nothing to do with it, in fact, *can* do nothing; the original cause of the loss arises with the creditors themselves, in their anxiety to increase their business, in the unfair, and very

frequently exceedingly dishonest means which are taken to do so. Many traders, young and old, will recognize the extreme difficulty they have had to overcome the temptation of getting too deeply into debt: if a man cannot resist the artful, deceptive means which are frequently adopted to induce him to do so, and the almost certain result, his inability to pay, becomes apparent to himself or his covetous creditors, his credit is allowed to pass to another house, equally eager to entrap him, who receive a reference from his late friends, and, for obvious reasons, that reference is generally satisfactory, and when the unfortunate debtor finds his folly or weakness leads to disastrous results, he can scarcely resist becoming careless to the interests of parties who have acted so selfishly towards him; while the covetous creditors, instead of quietly taking the consequences of their own conduct, which is provided for in their profits, call upon the community to enact more stringent laws for the punishment of fraudulent debtors—for the punishment of vices to which they were parties, and to the commission of which they were the tempters. The greatest fallacy consists in supposing the community called upon to legislate upon the subject: they have nothing to do with it; but if they have, the conduct of fraudulent creditors, as well as dishonest debtors, ought to be investigated. If men reflected, the immense amount of loss incurred by extensive speculative trading would be found a tax injuriously, in many cases dishonesty, imposed upon, and voluntarily submitted to, by weak, unthinking men; if the community were to wisely interfere, it would only do so to abolish all law, at all events, all penal laws, between debtor

and creditor, leaving trade,—speculative trade especially, to be based upon character, the law of honour, the same as all other gambling transactions: and a great deal of speculative trade is in effect gambling; why should avowed gambling debts be alone protected by the law of honour? Wholesome trade and proper credit cannot be benefitted or protected by the operation of any penal law; unwholesome trade or improper credit ought not to be protected by any enactments: trade might be limited, certainly, but those who lose many millions a year, certainly do too much, honest reflection will suggest, additional stringent laws will only encourage this speculative or dishonest distribution of property, under a false idea of increased security, the immoral security of punishments; does not the ridiculous and contemptible failure of every legislative attempt prove abundantly the folly of legislation upon the subject.

The question will naturally be asked, What will be the consequences of not punishing criminals? It will not be amiss to glance at this inquiry here, although it will be more enlarged upon when the subject is treated scripturally. One of the first consequences will most certainly be, mankind will bend their attention to some more effective means of preventing crime, than has hitherto been attempted; almost the only hope, up to the present time, has been, as just stated, the efficacy of punishment, although it has been frequently extensively modified, and human ingenuity taxed, to produce beneficial effects to the criminal, as well as to prevent crime; a short extract from the Criminal Tables, for the year 1848, will show with what success, “the total number of com-

mitments, for all classes of crime, amount, in the quinquennial period, 1844—8, to 135,134; and in the quinquennial period, 1839—43, to 140,290;” so that, in proportion as we exercise our ingenuity in the punishment of criminals, they increase at the rate of one thousand a year: let it be remembered, these are the commitments only, let the vast amount of crime undetected be considered, and the present mode of treating criminals will, at the best, appear very questionable.*

Another important effect will be, society will establish, as far as practicable, a reparative or retributive system, instead of the punishing or revengeful one which now exists. Difficulties will of course arise; but if a man is robbed, he will be more benefited by the property, or a part of it, being restored to him, than he is by the incarceration of the offender, and if the latter be properly treated, he would be very likely, at a future period, to make reparation himself. Crime would be treated as it truly is, a moral disease, society would endeavour, first, to prevent, and secondly, to cure it. It is almost inconceivable, the amount of crime which is generated

* According to the report of the visiting justices of Middlesex, the number of criminals in England and Wales, in 1836, was 20,984; in 1847, 28,833. *In the United Kingdom, the number of convicted criminals, in 1836, was 47,797; in 1847, 64,677.* This really frightful increase of crime is enough to rivet the attention of the thinking christian community, and surely justifies the questions, Do we treat our criminals properly? Where will this frightful increase end? And can we do nothing to prevent it? The object of this treatise is not so much to point out the bad effects of our present practice, or to enlarge upon the frightful wickedness which exists under it, as to point out a higher and better course; but it may not be amiss to hint, that much of the machinery in existence, necessarily tends to foster and hatch crime, by placing many persons in positions in which they can scarcely help committing it.

or encouraged by inattention to its earliest indication;* in a later and more advanced stage, how easily, with proper treatment, it might be cured: both these important particulars are now scarcely ever thought of, through the mistaken vague ideas of the necessity and efficacy of punishments. The human mind is quite as complicated as the body; while we have men who make it their study how to successfully treat any particular bodily disease; we have colleges to educate them, and prove their fitness for the duty; but for the mentally diseased criminal, the *only* provisions are the prison walls, the chaplain, and depraved associates. Some striking evils also would be averted, which now exist. There would be no occasion for the highly immoral machinery which is frequently brought into use, for and against a culprit, but which is not generally

* It may not be amiss to illustrate this position, by an allusion to two important facts, known to us all, and under our own observation. In 1831, when the continent of Europe was in a state of revolution, a riot broke out at Bristol, the rioters were not interfered with for a considerable time; the law, and its attendant punishment, was vainly, in fact, superstitiously, considered sufficient to repress it; but it was clear that the supineness of the authorities was as much to be deplored, as the wickedness of the mob. In 1848, when corresponding circumstances existed, a similar event was evidently contemplated, in London, the most vigorous means were properly taken to prevent the most partial success against life and property; the punishment of offenders formed no part of the arrangements; *prevention* of offence was only provided for, its perfect success need scarcely be enlarged upon: in all circumstances, if men, individually as well as collectively, were to bend their minds to *prevention* of offences, instead of punishing offenders, delinquency would be amazingly lessened. Some philanthropists will, perhaps, say the above case was an appeal to physical force; it certainly was so, *to prevent* a great evil, and the result shows that such an appeal, for such a purpose, is infinitely more benevolent than to wait until offences are committed, and using the same force in punishing (in fact, in revenge upon) the offender.

known; the innocent could not be punished instead of the guilty, the latter would not escape, as they now often do, by their pertinacious and ingenious defence of a lie, uttered in the presence of "God and their country," which they are encouraged to persevere in by their friends, by the court, by the law, and usage of society. The experience of many learned counsellors would throw considerable light upon this branch of the subject, which is not deemed right to further here enlarge upon.*

* It is not consistent with this inquiry to enlarge upon the mode of procuring convictions or acquittals, but rather the examination of the *principle* of punishment, but is quite justifiable to hint at a divergence of the inquiry, by noticing one or two circumstances, in relation to our present mode of trial. In the preceding chapter, the absurd principle of purgation, and compurgation, was alluded to; and if we *could* try our criminals by twelve enlightened virtuous men, presided over by an enlightened judge, as well versed in human nature as he is in law, it would, in principle, be a good arrangement; but, even then, it could not be free from all the mistakes and blindness of our nature. But we attempt no such thing; we try our prisoners *by oath*, and very frequently our poorer class of criminals, by the oaths of parties who are so used to swearing, that it is, instead of a solemnity, a mere matter of business, almost mechanical. Jurors are *sworn* to give a verdict, not according to their moral convictions, but "*according to the evidence*," and that evidence is proveable, or admissible, only by oath; if a juror dismisses a prisoner *because he disbelieves* the oath of his opponent, does he not virtually, or legally, commit perjury himself? Again, a poor man may be falsely, or mistakenly, charged, he may be acquitted, and his character thereby cleared, but he is frequently ruined by the process. Honest and searching inquiry, as to the present mode of procuring convictions and acquittals, is demanded, and assuredly *will* take place, and, for our credit, the sooner the better; it is only a question of time *when* our whole system of criminal jurisprudence, (much as in the fullness of our conceit we consider it perfect) will be looked upon as absurd and wicked, as that of any period of time before us, but it *will* be assuredly discovered to be so. Here is a fine opening for our ministers of religion to exert themselves; they *can* carry on the inquiry; they *can* expose the anomalies which exist, and point out a right mode of dealing with our poorer, our weaker fellow-creatures; let them

Another of the results would be raising the treatment of crime to a profession ; and a valuable and honourable one it would be. The parent who saw incipient vice or crime in his child, if he had not the time or knowledge to treat it himself successfully, would call in the aid of an experienced person, under whose treatment the most deplorable consequences might be averted, and that constitution, instead of becoming the slave of degrading vices, and gross criminality, might be changed, by judicious means, into usefulness and respectability. It will be of course suggested, all this should be left to the schoolmaster ; perhaps no greater fallacy can exist, than that of supposing morals are necessarily taught at school, or that they are capable of being, to any extent, practically and usefully taught even at the best schools : most men will remember they learnt more vice than virtue at school. If a schoolmaster teaches the elements of general knowledge properly, he does his duty, and, in many cases, all he can. The absurdity is palpable, of expecting a man to suc-

determinately examine the *principle* of the present system, dealing with the details is of little value.

The history of mankind lamentably proves how slowly a really important practical principle progresses, and, at the same time, how much importance is attached to insignificant questions and subjects. Let us only instance the egregious folly of some of the questions which have recently torn the established church, and really shaken it : into what do they resolve themselves ? Yet a practical question, of the magnitude of the treatment of our guilty, or supposed guilty, fellow-creatures, is hardly ever thought of, much less extensively entertained : but the ministers of religion, unfortunately, always are behind in the avowal, publication, or promotion, of practical justice, mercy, and truth. Hosea iv. 4, 6 ; Matt. xxiii. 23, 24 ; Luke xi. 52. Mr. Robertson gives some melancholy details on this subject, in the 10th, 11th, and 12th notes, in his history of Charles V., vol. i. See also Mosheim's Ecclesiastical History, (himself a priest,) vol. i. p. 324.

cessfully form, and cultivate, the moral habits of from forty to one hundred boys, (the same remark applies to female schools,) and instruct them in the details of elementary knowledge as well ; the best schoolmasters are very rarely able to go beyond giving the best *general* moral instruction, but for it to be highly beneficial, the particular bent and mind of each child must be attended to ; in most schools, if not all, such attention is utterly impossible ; besides, many schoolmasters are unfit, or unable, to attempt the task of individual moral training, it would be found as complete a profession as that of the schoolmaster.

It will also be asked, Of what use is the divine if he does not attend to these things ? The answer is, that with the *individual* application of moral and religious truths, he has but little to do, except in his own character and sphere ; it is his duty, indeed, to deeply study to enforce them with the greatest effect, to render them attractive and lovely, to exhort, persuade, convince, to do, in fact, all he can, to promote their general adoption, and, at any risk, endeavour to interweave them in our institutions, to go *before* mankind in promulgating them ; but the particular application of them must be left to his hearers, they must apply them when and where he cannot, in the senate, at their homes, in their businesses, the active walks of life, where they meet with the erring, and where they show themselves ; it unfortunately happens that the deeply erring do not intrude themselves under the minister's observation, and if they do, he is not acquainted with them, or their peculiar vices, to teach them publicly with effect, besides the qualities for a sound preacher, high as they are, or should be,

are not *alone* sufficient to deal with the sinful and the criminal; there wants also a deep practical acquaintance with human nature—its plausibility, its treachery to itself, its pride, its false,—sometimes,—indeed frequently, its true humility and penitence,—to be enabled to so operate upon it, as to fit a guilty fellow-creature to admit and act upon the almost omnipotent truth, when sincerely admitted, “Thou art the man” (2 Sam. xii. 7.)

But as punishments are now awarded, it is valuable to observe how little real delinquency is affected by them. Let us instance drunkenness: all admit the dreadful nature and frightful indirect consequences of this vice: it is true, it is punishable by a small fine, but how very seldom is it imposed; Do men get drunk *because* the punishment does not reach them? Let us, on the contrary, suppose the fine in all cases rigorously inflicted, would it lead to a suppression of the vice, or would not concealment and hypocrisy be added, to a much greater extent than now exists? But if imprisonment were instituted, could anything more demoralizing be conceived,—than an assembly of such persons undergoing their sentences? the abstinence imposed would certainly be rewarded, at the expiration of the time, with full, increased indulgence.

So again with prostitution. Let us suppose a law vigorously put in force for its punishment; is it at all likely society would be benefited? The first question occurs, Can it be suppressed? if it can, would not a larger amount of evil be generated? The necessary consequences of this deviation from the rules of virtue are

are plainly visible and certain, to both the individuals and society, yet, at our advanced state, we think it right not to interfere by the interposition of laws and punishments in relation to it.

Again, with suicide: many are detected in the act of taking away their own lives. If human life is so precious, as to demand a certain punishment for jeopardizing it, why should it not be enforced against the attempted suicide? Human effort is, however, only directed, as far as possible, to prevent the repetition of the attempt: the culprits are only delivered over to their friends, to be dealt with by the physician or divine; the jailer or the executioner is never thought of. How do we punish the seducer? who is there can venture to define the consequences of seduction?*. If all the bearings and results of this crime be considered, it will be found scarcely less pardonable than murder itself—infanticide and suicide being frequently among its consequences. If we punish the thief, how do we treat the gambler, or the man who plunders largely, and, under the name of speculation, plots deeply and successfully against the property of his fellow-creatures? how do we act towards men, who, at some epochs of society, compass robbery with such success, as not only to accumulate princely fortunes themselves, but with such power, as to demoralize whole communities, causing permanent poverty and deep misery upon thousands? We may, if we please, pride ourselves upon our anxiety to adjust our punishments to meet the case of a

* Among a certain class of libertines, it is held to be *more honorable* to alienate a man's wife, than his mistress, *because* in the former case there is a law to protect him, and give him redress.



hungry urchin who steals a penny pie, or to a trained, but otherwise ignorant thief, who picks a pocket ; but while we let far greater criminals escape, (and it must be remembered the latter are among the informed, the enlightened, and the educated,) we, in our mode of applying punishments, at once prove their inefficacy, and the falsehood of the principle on which we apply them.

Under an application of proper principles to offences or offenders, men would not laugh at dishonesty, or think themselves honest, *because* no human or legal punishment is provided for or reaches them : instead of the law of the land, they would be desirous of observing the law of truth and justice, which would become the strongest which could influence us in our dealings with each other ; the rich and educated thief would be treated as a thief ; all offenders would be placed on a level, and society would be bound to guard against them all, as well for their own sakes, as for the prevention of inroads upon the well-being of the community. It is not for a moment contemplated, that many of the vices which infest our nature will be abolished ; it is not even contended it is necessary they should be ; but it is asserted that, if properly treated, their evil consequences may be much averted, that much evil might be made subservient to good, the number of criminals very much reduced, many of them restored to usefulness and society, and a new source of profitable employment opened for the learned and enlightened, as well as an extensive field spread for the operations of those disposed to carry out the principles of revealed truth, and an enlarged opportunity created for the exercise of the benevolent affections.

The consequences of adopting correct views of crime, and a proper mode of treating it, would involve the question, whether the whole of our criminal code should not be swept away, or so completely modified, as to render it essentially different from what it is, by framing laws to prevent those crimes only which are *mala in se*,* and letting all those which are *mala prohibita* be a matter of purchase and conscience between the individual and the community, as hinted at by Blackstone, (vol. i. sec. 58.) “ Thus, by the statutes for preserving game, a penalty is denounced against any unqualified person who kills a hare, and against any unqualified person who possesses a partridge in August; and so, too, by other

* Under an enlightened and christian mode of dealing with offenders, in many cases, detection in a fault or crime; secrecy, if accompanied with proper remonstrances, or instruction, towards the detected, would operate more beneficially than exposure of him. In cases in which secrecy failed, detection, with exposure, would be a great, or sufficient, punishment, the exposure here meant, is that which would be necessary to guard society against the ill dispositions of the improperly disposed, and when they are likely to interfere with the well-being of individuals, or the community, society justly demands acquaintance with such characters; and, lastly, restraint should be imposed, not to *punish*, but to *prevent*, the offender, who is considered hardened, or dangerous, from continuing his practices, as well as that his case may be particularly considered, and his cure, or restoration, if practicable, effected. A well arranged system of suretiship would be highly beneficial, and meet all the difficulty; a really guilty, feared, or strongly suspected person, if he could not obtain from his friends (those who know him, his character, and dispositions, best) ample security for his good conduct, let the last course be adopted towards him, and restraint imposed. A similar course is strongly recommended by Blackstone, (book iv. chap. 18,) as the *best* mode of preventing crime; in fact, he alludes to it as an effective plan, formerly adopted, and laments its having fallen into disuse. It will at once be seen that a benevolent and just course *will involve punishment*, but of that kind *most likely* to be beneficial, because it arises from the exercise of right principles towards the offender.

statutes, pecuniary penalties are inflicted for exercising trades, without serving an apprenticeship thereto ; for not burying the dead in woollen, for not performing the statute upon the public roads, and for innumerable other positive misdemeanors : now these prohibitory laws do not make transgression a moral offence, or sin ; the only obligation, in conscience, is to submit to the penalty if levied.” As to the existence of penal laws, it is further asserted by him, in vol. ii. sec. 420, “ By far the greatest number of crimes, or penal offences, are so only from their prohibition by the law of the land ;” and it is instructing to know many of these things which are punishable at one time, are at another not so, indeed some of them become laudable in the estimation of a large or virtuous part of the community : he, in another place, (vol. iv. sec. 19) says, “ it is a melancholy truth, that among the variety of actions which men are daily liable to commit, (in his times) no less than an hundred and sixty have been declared, by Act of Parliament, to be felonies, without benefit of clergy, or, in other words, to be punished with instant death, so dreadful a list, instead of diminishing, increases the number of offenders.” Thus, according to Blackstone, (no mean authority,) the way to diminish offences, and offenders, is to abolish laws, or, at least, abate the severity of punishments, showing, at the same time, the chance of escaping gives a zest to the commission of offences. Let us take another position laid down by the same author. “ We may further observe, that sanguinary laws are a bad symptom of the distemper of any state, or, at least, of its weak constitution. The laws of the Roman kings, and the twelve tables of the *decemviri*, were full of

cruel punishments : the Porcian law, which exempted all citizens from death, silently abrogated them all. In this period the republic flourished under the emperors, severe punishments were revived, and the empire fell :” (vol. iv. sec. 17 :) and in a note is added, “ the most excellent and admirable statute ever passed by the English legislature, is the 1st Edward VI. chap. 12. In the preamble it states, in a beautiful and simple strain of eloquence, “ that nothing is more godly, more sure, more to be wished and desired, betwixt a prince, the supreme head and ruler, and the subjects, whose governor and head he is ; that on the prince’s part, great clemency and indulgency, and rather *too much forgiveness and remission of his royal power and just punishment*, than exact severity and justice, be showed ; and on the subjects’ behalf, that they should obey rather for love, and for the necessity and love of a king, and prince, than for *fear* of his strait and severe laws. It, therefore, repeals every statute, which has created any treason, since the 25th Edward III.

It repeals all and every Act of Parliament concerning doctrine or matters of religion.

It repeals every felony created by the legislature during the preceding long and cruel reign of Henry VIII.”

It certainly appears, therefore, that Blackstone and his commentator admit that the way to produce a high moral tone in society, is *not* by enacting laws or inflicting punishments, but rather their abolition : why should not such an enlightened, but simple, mode be fully adopted, especially as will be hereafter proved, it is in strict accordance with the commands of God ?

Much of our punishment is more severe than

was commanded under the Mosaic code, and certainly useless in comparison with it, which was arranged to compel the offender to make reparation. Thus, in cases of theft, if a man stole an ox, and killed or sold it, he was to restore five for it, and if a sheep, he was to restore four; but if it was found alive upon him, he was to restore double, whether ox, ass, or sheep: "And for all manner of trespass, whether it be for ox, ass, or sheep, for raiment, or for any manner of lost thing which another challengeth to be his, the cause of both parties shall come before the judges, and whom the judges shall condemn, he shall pay double unto his neighbour." (Exod. xxii. 9.) Such an arrangement as this must be infinitely more calculated to impress upon the ignorant and criminal the value of property, and its unalienability, than personal suffering, after he has destroyed or enjoyed that of his neighbour: prosecution of an offender for theft in the one case, has at least the tendency to restore the property, indemnify the offended, and to prevent the crime being in any way beneficial to the former; while the mode we now adopt induces him to dissipate the property, and then set himself right with society, if detected, by suffering in his person, the offended or injured is put to trouble and inconvenience to prosecute, and he is taught to believe he has no right to even forgive the offender.*

The very difficulties which have and still beset

* "This voluntary forgiveness may be an act of good nature and humanity, but it is contrary to the good of the public; for although a private citizen may dispense with satisfaction (revenge) for his private injury, he cannot remove the necessity of public example. The right of punishing belongs not to any one individual in particular, but to society in general, or the sovereign who represents that society; and a man may renounce his own

lawgivers and writers, upon the measure and amount of punishment, is enough to suggest the inquiry, whether offenders might not be better dealt with than by its adoption. As instances of these difficulties, Blackstone says, (vol. iv., sec. 217,) "Theft, by the Jewish law, was only punished with a pecuniary fine and satisfaction to the party injured; and in the civil law, till some very late constitutions, we never find the punishment capital." Archdeacon Paley also says, "By a rule of life, which is perhaps too invariably and indiscriminately adhered to, no one will receive a man or woman out of jail into any employment whatever. This is the *common misfortune of public punishments, that they preclude the offender from all honest means of future support.*" And he adds, in a note, "until this inconvenience be remedied, small offences had perhaps better go unpunished." But as if frightened at his own admission, he adds, "I do not mean that the law should exempt them from punishment, but that private persons should be tender in prosecuting them:" and a little further on, he says, "we (in his time) hang a malefactor for a simple robbery, and can do no more to the villian who has poisoned his father." And instead of suggesting a milder course with respect to the robber, intimates the propriety of "putting the murderers into a den of wild beasts," as being "more dreadful to the imagination, yet concealed from the view!" *Moral and Political Philosophy, chap. ix.*

portion of this right, but he cannot give up that of others."—*Marquis Beccaria, chap. xlv.*

The above author is alluded to by Blackstone as an "elegant writer," but whoever will analyse the passage, will, independantly of its internal inconsistency, discover its intent is to establish an utterly false position.

Let us, however, in conclusion, try the usefulness of our punishments, by asking, are their avowed objects gained? Is the "offender amended by them?" The assertion of Paley, and our abundant subsequent experience, decidedly negatives this position. Are others "deterred from offending in the same way?" The alarming and constant increase of detected criminals will not allow us to affirm this position; and, lastly, do we "deprive the offender of the power of doing further mischief?" The answer to this last question is, *we do* in some cases—when we slay them—an insignificant, and utterly contemptible exception, effected at a fearful expense,—the contravention of a distinct and positive law of God, "Thou shalt not kill."

CHAPTER V.

THE LAW OF GOD.

IF God has revealed his law, or will, to man, it is a just presumption it would be done under circumstances, and in a manner, calculated to strike the senses, and arrest the attention of those to whom it was communicated, as well as cause it to be considered a leading fact in the authentic annals of mankind, in short, that it should be miraculous; while we have a right to expect this of its external character, we also must suppose it internally to be such as to clearly define to man his duty to God, and his fellow-creatures,—the real basis of “man’s true and substantial happiness.”

For our present purpose we shall not dilate upon the details of the laws of Moses, which were suited to a people, in their infancy, many or most of those laws having been of a local, temporary character,* which were abrogated by the Messiah, but we will

* “Our Master criticises a saying of old, relating to what is called *Lex Talionis*, the law of revenge, or retaliation; (Exod. xxi. 23; Lev. xxiv. 19; Deut. xix. 21.) This provision of the Mosaic code was adapted to a semi-barbarous state of society, and, like that relating to divorces, was tolerated and allowed for a time, for the hardness of their hearts. The same custom was observed at Athens, Rome, and other ancient cities. According to the laws of Solon, the retaliation was so rigid, that where an eye was put out, and it was the only one the person had, both the eyes of the offender were put out, to make the loss equal. The evil of the

examine the decalogue which he *did not* abrogate, (Deut. v.,) and briefly refer to the circumstances under which it was given. "And it came to pass on the third day, in the morning, that there were thunders and lightnings, and a thick cloud on the mount, and the voice of the trumpet, exceeding loud, so that all the people that was in the camp trembled—and mount Sinia was altogether on a smoke, because the Lord descended upon it on fire, and the smoke thereof ascended as the smoke of a furnace, and the whole mount quaked greatly." (Exod. xix. 16, 18.) These were *some* of the circumstances under which the law of God, in the decalogue, was communicated. Now let us test the nature and essence of that law,

law was, that it encouraged a fiendish spirit of revenge, fatal to every sentiment of piety and benevolence, which was not content always with returning like evil for evil, but often carried its retaliation to the utmost extremity. Moses, in order to provide a safety valve for the boiling passions of a half-savage people, permitted them, *by law*, to demand an eye, &c., but, in process of time, it became the custom, under the sanction of corrupt teachers, to make these exactions, and take revenge privately. Jesus annuls this whole custom, and inculcates a better spirit."—*Livermore's Commentary on the Gospels.*

The laws of Moses can hardly be considered as absolutely the law of God, but only so in a sense. The law of God is simple, and capable of universal adoption; the law of Moses is complicated, and much of it only of *local* application: the former is binding at all times, the latter only fit for temporary adoption. The whole Mosaic code, inasmuch as it existed, was a *part* of the government of God, but is no more universally binding on that account, than ceremony, without spiritual religion, is justifiable, because it is sometimes a means, in the hands of God, to work out his objects. When we consider the number and complicated character of the laws of Moses, we can come to no other conclusion than that alluded to by the prophet Ezekiel, (chap. xx. 24,) "Wherefore, I gave them also statutes that were not good, and judgments whereby they should not live;" perhaps to demonstrate that no other laws, than those expressly commanded by divine authority, are fit for the universal and ultimate well-being of the human family.

and into what does it resolve itself? Let us take the ablest and best commentator:—the Messiah himself, when asked this question, his answer was, “The Lord our God is one Lord; and thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind: this is the first commandment; and the second is like, namely, Thou shalt love thy neighbour as thyself: there is none other commandment greater than these.” (Matt. xxii. 37, 40; Mark xii. 29,—34; Rom. xiii. 8 to 10.) But in turning back to these laws, as originally delivered, there is a singularity which distinguishes them from all human laws, and, that is, *no human* punishments are provided, commanded, or hinted at, and why so? Because the Divine Lawgiver will provide his *own* punishments; he will make arrangements for the final observance, the ultimate establishment, and the supremacy of his laws, in his *own* manner: but the presumption of man has interposed, and he has taken upon *himself* God’s work by punishing his fellow-creatures into obedience, or attempting to do so; but how does he act in this abortive effort? By imprisoning,—sometimes slaying, the starving and ignorant thief, and totally, *legally*, disregarding the sabbath, (“the *seventh* day is the sabbath,”) by killing the legally convicted, ignorant, unthinking, or maniacal murderer, and not noticing, or almost caressing, the calculating, plotting adulterer; by *sometimes*, but not often, punishing him who bears false witness, but taking no notice of or tacitly supporting idolatry. If we punish for violations of the law of God, why do we make selections, and only show our zeal for *some* portions of it, why do we not vindicate the whole? The divine origin of the law of God is

established, then, by the miraculous circumstances which attended its delivery—by its internal simplicity—its adaptation to human duty, and by the absence of that which characterises all *human* laws, namely, the annexation of human punishments. God is our king and governor ; what punishment *has he* provided for us to use upon our fellow-subjects? We are his servants ; what *right* have fellow-servants to punish each other? God is our Father ; is it *just* we, his children, should punish our brethren? If he is our king and governor, we certainly have nothing to do with *his laws*, but to *obey* them ; our omnipotent and omniscient ruler, who *alone knows, when, how*, (Matt. v. 28,)* *and why*, his laws are disobeyed, is *alone capable* of providing an equitable, or suitable, punishment, and he assuredly does and will enforce it.

But God, in these latter days, has spoken by his Son ; he has fixed *his* authority as a lawgiver upon miraculous evidence : *we have* received and admitted that evidence as conclusive, and profess to submit to his authority. We will not, therefore, further allude to the Old Testament, but, in accordance with our admitted principles, examine the law of God ; a law of marvellous simplicity, which is applicable to all the moral wants and

* There is a lamentable ignorance of human nature displayed, in supposing the worst crimes are not committed under circumstances quite obscured from human observation, and by means not cognizable by human laws. Murder may be committed by the moral betrayer, the oppressor, the slanderer, through the means of a wounded spirit or a broken heart, as certainly as by the hand of an assassin. A successful but legal fraud will complete a robbery, and alienate the property of another, as completely, but on a much larger scale, than can be done by the practiced or legally amenable thief : and the parties who thus violate the law of God, are, in the fallacy of human judgments, sometimes considered the virtuous and good. (Matt. xxiii. 14, 25, 27.)

conditions of our nature, which is capable of being understood and acted upon "all over the globe, in all countries, and at all times;" a rule of action which is not perplexed by local observances, or by any ceremonies, except what its votaries think proper in their consciences to bind upon themselves; (Rom. xiv.); and this law is contained in the New Testament—the teaching and character of Christ and his apostles.

The present inquiry is, however, not into the simple truths of the christian religion. It is not necessary to show the divine goodness, in allowing it to rest upon *one* simple fact: it is not in conformity with the subject, to show how very few and simple its doctrines are, or to inquire why its sectarian professors take such delight in overrating their own dogmas, and undervaluing those of their opponents: our inquiry is confined to one point, namely, What are we commanded, as servants, or as sons and daughters of God, in relation to our fellow-servants, our brethren, under circumstances of error, sin, crime, offence, or by whatever name it may be called?

It, however, is justifiable to take a negative position, by asserting that there is *not* a single passage in the whole of the New Testament, either historically or epistolary considered, which can, by even a tortuous construction, be made consistent with human punishments, as society now legally inflicts them: but on the contrary, such infliction is diametrically opposed to the spirit of the teaching of Christ and his apostles, as well as in direct opposition to the example of the former, and the epistles of the latter. We shall proceed to prove the latter position, that the christian

religion is a system of forgiveness ; that as God has forgiven us, so are we commanded, in *all cases*, to forgive each other.

Before the inquiry is gone into, it may be necessary to anticipate an objection which will certainly present itself, namely, that the New Testament only provides for individual virtue, and cannot be applied to laws ; while its rules are admirably adapted to the promotion of virtue, and the formation of character, they cannot or will not, apply to laws framed for the government or regulation of a nation or community. Reflection will show this objection to be unfounded, inasmuch as nations are composed of individuals : if those individuals encourage the highest and most elevated views, by adopting the loftiest principles of action, it must necessarily ultimately influence their laws, and place them upon the footing designed by the Divine source of revealed truth. But it has been declared by the highest authorities in our own country, that christianity is part and parcel of the law of the land. It then becomes us to see that the benign, elevating spirit of that religion is fully carried out in such an important affair as that of dealing with the unfortunate, degraded, but very significant, because numerous, portion of our fellow-creatures, our criminals, those who *we know* to be *morally*, as well as those who are only declared *legally* guilty.

In Matthew v. 39 to end, there are very plain and positive commands, which, if we apply literally, will *appear* to lead to some confusion ; but if we abandon their literal interpretation, and take them figuratively, can they be made, by any

means, compatible with the punishment of those who assail either our persons or our property? It is very questionable, whether a literal adoption of the text would not exalt those who had the moral courage to take such a stand. Can we believe, if it were known beforehand, that any person would not resent a blow, that he would be the person, on *that account*, who would be struck? and if, in addition to his non-resentment, it were known he might be struck again with impunity, would that fact, except in the mind of a maniac, render him obnoxious to insult? The whole passage is plain, and is intended to be literally adopted: if there is any obscurity about it, such obscurity arises from allusions to ancient institutions or customs, but cannot interfere with the obvious intention and spirit of the speaker, namely, that retaliation, *under any name*, is not to be attempted. In the 43rd verse, he alludes to former practices and commands, enjoining retaliation, but in the next verse he commands the opposite, which is, "love your enemies." But who are our enemies? our Master defines them as those "who despitefully use you," "do good to them that hate you, and pray for them which despitefully use you and persecute you," (verse 44.) Can we have any offenders greater than those who hate us and despitefully use us, yet we are called upon to act towards them as our heavenly Father, who gives his blessings alike to evil and good. But is this command consistent with *any* punishment of our own, even to our deadliest foes: in a word, must we not *disobey this command*, or cease to punish? And in the prayer which is known as the Lord's Prayer, (Matt. vi. 14,) we are exhorted to pray to have our debts forgiven us, as we forgive our

debtors:* the reason is emphatically given, “for if ye forgive men their trespasses, your heavenly Father will also forgive you; but if ye forgive not men their trespasses, neither will your Father forgive you.” How can we adopt the spirit of the christian religion, which enjoins aspirations to our Creator such as this, while, at the same time, many of us are perhaps prosecuting some unfortunate, ignorant criminal, to the utmost rigour of the law; and probably that criminality is the result of our own want of care or good example, or his ignorance the effect of our neglect. (Matt. vii. 1—5.) “Judge not, (condemn not) that ye be not judged, (condemned) for with what judgments ye judge, ye shall be judged, and with what measure ye mete, it shall be measured to you again. And why beholdest thou the mote that is in thy brother’s eye, but considerest not the beam

* If we attentively study the office and character of Christ, liberty to the captive, and the opening of the prison to them that are bound, appear plainly to be among the things which he came to preach, to proclaim, to heraldize. When he came to Nazareth, the first thing which he did in the synagogue, (Luke vi. 18,) was to read the beautiful passage, (Isaiah lxi. 1,) “And he began to say unto them, this day is this scripture fulfilled in your ears.” The question which presses on the mind of every thinking man is, What is meant by this allusion and quotation, is it literal or figurative; if the latter, to what does it refer? He came to proclaim the acceptable year of the Lord—the year of Jubilee—when all debts were cancelled, all slaves emancipated, and all estates restored to their former owners. (Levit. xxv.) The Messiah carried it out *literally*; he gave sight to the blind, without any reference to whether that blindness was inflicted as a punishment, as it frequently was in the east; he forgave *all* offenders; his teaching was directly in the form of forgiveness; he did, indeed, preach deliverance to the captives, liberty to the prisoner; he solemnly, repeatedly, anxiously, practised, taught, and preached, these things, but *with whom rests the responsibility of doing them?* The prophecy was fulfilled by his preaching and commanding them: the law of God is obeyed when we practice them.

that is in thine own eye: *thou hypocrite ; first cast out the beam out of thine own eye, and then thou shalt see clearly to cast out the mote out of thy brother's eye.*" When we are disposed to punish a criminal, are we in a condition to assert we are upon the whole better men than he? Have we not our attention so intently fixed upon his fault, as to forget ourselves? Are we disposed to reflect upon what we might have done, had we been placed in his circumstances, and been subject to his weaknesses? Do we take into account a tithe of the considerations which should influence us in dealing with him? Can we form a righteous judgment, or know all the circumstances? And above all, do we remember, but for this one fault, he may be better than ourselves? nay, may we not be secretly committing sins, or practising vices, not cognizable by the law, more prejudicial to mind, body, and society, than that for which we are pursuing our fellow-man? even supposing we can make no mistake in affixing guilt upon him, or in correctly estimating its extent.

In Matt. xviii. 7, it is stated, that "it must needs be that offences come,* but woe to that man by whom the offence cometh;" and in case of an offender,

*"It is impossible but that offences should come, but woe unto him through whom they come." (Luke xvii. 1.) I think there is a deeper meaning to this passage than is generally acceded to it: offences arise frequently from other causes than the bad dispositions of the offender, "Whoever is angry with his brother without a cause, (Matt. v. 22,) shall be in danger of the judgment;" he will be in danger of retaliation, and its consequences. In an unreflecting state of mind, we are more disposed to *punish* offences, than to *prevent* them. If men and society were as anxious to prevent offences as they are to punish them, a remarkably different result would present itself.

There are many ways by which offences may be *prevented*; and as among men many quarrels arise about precedence, or more

effort is to be made for his restoration, as for the one sheep of a hundred gone astray, "Even so it is not the will of your Father, that one of these little (apparently insignificant) ones should perish," verse 14: and when trespass occurs, a mode of reasoning with, and treatment of, the offender, is enjoined, but punishment is nowhere hinted at: in case of entire failure, it appears by the text, he is to be left alone,—to the consequences of his own conduct. But it will be, and was asked by Peter, "*How often shall my brother sin against me, and I forgive him? till seven times?*" And what was the emphatic answer? "I say not unto thee till seven times, but until seventy times seven," verse 22:* then follows the singularly appropriate parable of the two debtors:

absurd causes connected with our self-importance, much ill-will is thereby engendered, great wickedness perpetrated, and many crimes conceived, in high as well as humble minds; it becomes a question, How can this fruitful source of offence be dried up? If we diligently consider and act upon the spirit of the teaching and example of our Master, as recorded in John xiii. 4—17, a large amount of offences will be *prevented by ourselves*.

* It must be confessed that the corresponding passage is, in Luke xvii. 4, rendered, "If thy brother trespass against thee, rebuke him, and *if he repent*, forgive him." It will be said, there must of course be a limit to some unrepented of offences. If we turn back to the former part of the chapter in Matthew, 15th to 17th verses, a line of conduct is defined to set an offender right: he is to be reasoned with *privately*, then in the presence of two or three more; the matter is to be made an affair of reason, conversation, or rebuke; in the case of failure, it is to be told before the church, or before a number of believers, in fact, to be published: in the event of his still continuing obdurate, "let him be unto thee as an heathen man and a publican;" in fact, as the Apostle says, "have no company with him, that he may be ashamed." This, it must be remembered, is the *utmost that is any where recommended in the case of offence*, and this is only to be adopted when the offender does not say, "I repent:" no punishment is provided, nor is necessary; he has taken a course which will tend to his *own* discomfort and sorrow.

one who owed his lord ten thousand talents, but he (the lord) was moved to compassion by his debtor's entreaties, and forgave him the debt; but he saw a fellow-servant who owed *him* a hundred pence, but was not moved by his entreaties, although besought in the same way as he had before entreated his lord, but cast him into prison until he should pay the debt: when it came to the ears of the lord, what is the affecting and cutting reproof? "Shouldst thou not have had compassion on thy fellow-servant, even as I had pity upon thee? and the lord was wroth, and delivered him to the tormentors, till he should pay all that was due unto him. So, likewise, shall my heavenly Father do unto you, if ye, *from your hearts*, forgive not every one his brother his trespasses." What is the obvious meaning of the whole of this parable, with its conclusion, if man is to punish his fellow-creatures according to *his* opinion of the measure of their delinquency, and without any reference to his own vices, or to the large amount of forgiveness he has *received* or *requires* from his Creator? See also Mark xi. 25, 26. This is more strikingly enjoined in Luke vi. 27—42.

When Jesus was rejected by the Samaritans, (Luke ix. 55,) his being so, greatly aroused the indignation of his disciples; James and John asked him if he would not call down fire from heaven, and consume those who refused him: but what was his reply? was it a dissertation upon the *measure* of punishment to be apportioned to their guilt, or whether that was the *kind* of punishment which should be awarded to them? The remarkable observation he made was, "*Ye* (the disciples,) know not what manner of spirit *ye* are of;" examine yourselves, before ye pro-

nounce judgment and award punishment to others; "for the Son of Man came not to destroy men's lives, but to save them."* Before we define the amount of guilt, and especially before we administer punishment, we ought to be assured of what manner of spirit *we* are of, lest we fall into the same mistake which Jesus points out in his disciples: our really, or supposed good intentions will not necessarily justify us in the mode of dealing we adopt towards our erring fellow-creatures, or do good to them, to society, or to ourselves. The Jews looked upon the Samaritans as enemies, and were disposed to treat them as outcasts, probably on account of their origin as rebellious subjects, which they undoubtedly were: but the parable of the good Samaritan is given to disapprove of such a line of conduct, (Luke x.,) and to show that those whom we consider our enemies *may* be our friends.

In the teaching of the Messiah, he always cautions his hearers, in the strongest terms, to avoid giving offence on the one hand, and to

* "Jesus, as we should expect, rebuked them for their hasty and revengeful temper, but he did it kindly, without manifesting himself the spirit he would condemn in his disciples. He tells them that they are ignorant of the spirit they ought to possess, as the preachers of his merciful religion. It is interesting to notice the change which James and John afterwards underwent, by the regenerating power of the Gospel. Instead of ambition, (Mark x. 25,) jealousy, (verse 49,) and revenge, as in the present connection, an entirely new class of sentiments—love, mercy, and self-renunciation—rule in the hearts of these Sons of Thunder. James was the first martyr of the twelve; (Acts xii. 1;) and we are told he said to his accuser, at the place of execution, when he had repented of what he had done, and solicited forgiveness for his crime, 'Peace be to thee, my son, and the pardon of thy faults,' whereupon the guilty man confessed himself to be a christian, and was beheaded with him."—*Levermore's Commentary on the Gospels.*

cultivate forgiveness on the other: but still every means are to be taken, as has been already shown, to *save* the offender; he is to be rebuked, (Luke xvii. 3,) to be reasoned with, (Matt. xviii. 17,) but in no place is it stated he is to be punished. In John xiii. 34, xv. 17, Jesus gives a new commandment to his disciples, namely, that they love one another, as he loved them. But as a part of that love, did he ever seek to punish them? Although he was immeasurably superior to them in knowledge and character, he never takes that as a ground of dealing with them, otherwise than with the highest and completest forbearance: therefore as he acted towards them, so ought they and we to act towards each other; the higher the character, or greater its power, the more forbearance it will use; and the lower or more depraved the person, *the more he requires such complete forbearance and consideration.* Thus, in the teaching of the Messiah, whenever he addresses himself, it is always full to the point—perfect forgiveness; overcoming evil, the greatest evil, with the greatest good, is positively and repeatedly enjoined. Is this teaching,—or can we make it, in any way consistent with any individual or legal punishment?

In the epistle to the Romans, chap. ii. to 6th verse, the apostle goes directly into the question of human judgments, and enlarges upon the absurdity of judging one another, while we are influenced by the same dispositions, or practising the same vices: he refers judgment at once to God, in order to leave it in his hands, as a being “who will render to every man according to his deeds.” In this chapter he goes on to demonstrate the impropriety of keeping our eyes fixed upon the faults,

or vices, of others, as the Jews were exceedingly fond of doing towards the Gentile converts, whom they considered inferior to themselves; he declares them to be equal in the sight of God, inasmuch as they are both under sin. (chap. iii. 9.) In the 12th chapter, he commands his brethren to recompense *no man* evil for evil; he also commands them to avenge not themselves, but rather to give place unto wrath, for it is written, "Vengeance is mine, I will repay, saith the Lord; therefore, if thine enemy hunger, feed him; if he thirst, give him drink; for in so doing thou shalt heap coals of fire* upon his head: be not overcome of evil, but overcome evil with good," 19, 20, 21 verses.

In the 14th chapter of this epistle, we have the remarkable passage, "But why dost thou judge thy brother, or why dost thou set at naught thy brother; we shall all stand before the judgment seat of Christ," 10th verse. It is true this is written in allusion to many matters of conscience, which are *now*, for the most part, considered indifferent; but it must be remembered that such things have been considered matters of grave account; men have persecuted and condemned each other even to death on account of them; men have been punished for their opinions, over which they have no control; and it will be well to examine, whether men are sufficiently masters of their own actions, to justify them in condemning their fellow-creatures,—to pronounce judgment upon,—much less to award punishment to, them. Let that man be happy "that condemneth not himself in that thing which

* A beautiful allusion to the mode adopted by refiners in those days, who heaped hot coals upon the metal in order to melt it; so in time, will the kindness of the true christian, if persevered in, melt into affection and respect his bitterest, and most abandoned, opponents.

he alloweth ;” 22nd verse ; how hardly, can a man reflect, with satisfaction, upon all his own habits and actions, or even determine the virtue of them, still less is he fit to sit in judgment upon the motives and actions of his fellow-creatures.

The Apostle exhorts them to mark those which cause divisions and offences ; and why ? to *punish* them ? Certainly not, but to *avoid* them ; and after describing them, wishes them (the believers) to be wise, concerning that which is good ; and simple, concerning evil, concludes with stating, “ And the God of peace shall bruise Satan (the adversary, the adverse world, those who oppose themselves) under their feet shortly,” xvi. 20.

In combating the bad feelings which existed in the Corinthian church, the Apostle takes a deep view of human nature, and in alluding to their forming a judgment of his conduct, says, “ But with me it is a very small thing that I should be judged of you, or of man’s judgment, yea, *I judge not mine own self, for I know nothing by myself*, yet I am not hereby justified, but he that judgeth me is the Lord.” (1 Cor. iv. 3—7.) They are remarkable questions he asks, “ For who maketh thee to differ from another ? And what hast thou that thou didst not receive ? Now, if thou didst receive it, why dost thou glory as if thou hadst not received it ?” 7th verse. Can language be plainer, exhorting us not to vaunt ourselves above our fellow-creatures, and inducing us, if we have any moral blessing, to humbly refer it to the giver, charitably remembering our erring fellow-creatures, “ shall, when the counsels of the hearts are made manifest, have praise of God,” 5th verse.

In the fifth chapter of 1st Corinthians, we have a case of positive crime dealt with, an overt act, an

extreme case, which leads us to draw some most important inferences. In the first place; wickedness, or sin, is no where, and in no one, to be countenanced; but it appears they (the Corinthians) did countenance a gross immorality in the preservation of the incestious person among them; it is further evident they took no steps to bring him to a sense of his immorality: the consequences were serious; in addition, it was setting a vicious and contaminating example,—preserving a “leaven” among them, which must undermine the purity of their morality, and bring them down, even below the standard of character among the Gentiles; it further tended to cause the church to be evil spoken of, and, moreover, prevented the reformation of this immoral person. The Apostle alludes to a former exhortation to them, not to keep company with such persons; but he, in explanation, added, yet not altogether with those of the world, as, in that case, it would be impracticable, but if any such one being a brother, they were not even to eat with him. Therefore, he commands, “put away from among yourselves* that wicked person,” 13 verse; now it happens that we

* Deliver him over to Satan, (the adversary,) displaced from their communion for the destruction of the flesh, the destruction of his lusts, that his spirit (mind) might be saved at the day of judgment.

If any man should imagine that I have forgot my own notion of a law, when I make the law, whereby men judge of virtue and vice, to be nothing else but the consent of private men, who have not authority enough to make a law, especially wanting that which is so necessary and essential to a law, a power to enforce it, I think I may say, that he who imagines commendation and disgrace not to be strong motives to men, to accommodate themselves to the opinions and rules of those with whom they converse, seems little skilled in the nature and history of mankind; *the greatest part whereof, he shall find, govern themselves chiefly, if not solely, by this law of fashion, and so they do that which keeps them in*

have the Apostle's allusion to this case in a subsequent letter, (2 Cor. ii. 6,) and the mode he recommends is instructing: it appears this avoidance, or mental treatment, this leaving the man to the natural or moral consequences of his own conduct, his being shunned by many, was a "*sufficient punishment*;" it appears he repented, and the Apostle recommends, in consequence, they should rather comfort and forgive him, lest he should be swallowed up with over much sorrow, and he concludes with these remarkable words, "Wherefore, I beseech you, that you would confirm your love towards him," 8th verse. Thus, it appears, that this person was treated only morally; the christians had no power to treat him with personal, or corporeal,

reputation with their company, little regard the law of God, or the magistrate. The penalties that attend the breach of God's laws, some, nay most, men seldom seriously reflect on; and among those that do, many, while they break the law, entertain thoughts of future reconciliation, and making their peace for such breaches; and as to the laws of the commonwealth, they frequently flatter themselves with the hopes of impunity. But no man escapes the punishment of their censure, or dislike, who offends against the fashion and opinion of the company he keeps, and would recommend himself to; nor is there one in ten thousand who is stiff and insensible enough to bear up under the constant dislike and condemnation of his own club. He must be of a strange and unusual constitution, who can content himself to live in constant disgrace with his own particular society. Solitude many men have sought, and been reconciled to; but nobody, that has the least thought or sense of a man about him, can live in society under the constant dislike and ill opinions of his familiars, and those he converses with. This is a burden too heavy for human sufferance; and he must be made up of irreconcilable contradictions, who can take pleasure in company, and yet be insensible of contempt and disgrace from his companions.—Locke on Moral Relations, book 2, chap. xxviii. sec. 12.

In the first three centuries of the church, "overt acts were the only objects of censure, and censure was nothing but voting a man out of the community."—*Robinson's Ecclesiastical Researches*, page 123.

punishment; it was a crime “unknown among the Gentiles,” they had no law to meet it, and if they had, his belonging to a despised sect would certainly not have prevented him from being punished by it, yet the result was his restoration.

In the 1 Cor. 6th chap. he alludes to their going to law, before the unbelievers, with disapprobation, in conformity with the recommendation of Jesus, already referred to, (Matt. xviii. 15,) urging them to settle disputes among themselves, and, in the full spirit of the Messiah, “*rather to take wrong and suffer themselves to be defrauded,*” 7th verse; also in the 10th chapter, he exhorts to virtue, and alludes to punishments, not human punishments but to the judgments of God,—his punishment which always did, and always will, certainly follow crime and sin, of every description. In Galatians, vi. 1, there is a most important principle laid down, although in strict conformity with the whole teaching in the gospels and epistles, yet the pointed manner in which the Apostle expresses himself, deserves peculiar attention. “Brethren, if a man be overtaken in a fault, ye, which are spiritual, restore such an one in the spirit of meekness, considering thyself lest thou also be tempted;” this verse contains the essence of the mode of dealing with offenders, according to the spirit of the gospel.* In the whole chapter, the Apostle strikingly illustrates the necessity of avoiding sin, but, at the same time, as in the verse alluded to,

* If enlarged commentary were demanded on the verse above quoted, perhaps no better could be found, or adopted, than the greater part of the 6th chapter, in Mr. Combe’s book, to which the reader is earnestly referred; nothing but the knowledge of the applicability of the principles contained therein, will justify this verse being passed over, without showing its injunction is totally inconsistent with the adoption of any human punishment, or any

commands the greatest tenderness to the sinner, or the criminal; but in the seventh verse he solemnly declares that “God is not mocked, for whatsoever *a man soweth that also shall he reap*,” showing that God will punish and reward. In Ephesians, iv. 1, 2, a similar exhortation is given, long-suffering and forbearance being especially commanded; and, in the 32nd verse, he commands, be ye kind one to another, tender-hearted, and *forgiving* one another, even as God, for Christ’s sake, hath forgiven you; yet in the 5th chapter, 6th verse, he declares that the wrath of God cometh upon the children of disobedience, but he contents himself with exhorting them not to be “partakers with them:” in the next chapter he commands masters to act in the highest manner towards their servants, and to even “forbear threatening.” (Ephes. vi. 9.) In Philippians i. 15, 16, the Apostle alludes to Christ being preached, by some, through envy and strife, supposing thereby to add affliction to his bonds; but instead of deploring it, manifests joy thereat, inasmuch as Christ is preached every way, and says he, “I therein do rejoice, yea, and will rejoice.” In ii. 5, he in addition says, “Let this mind be in you, which was also in Christ Jesus,” who “humbled himself, and became obedient unto death, even the death of the cross:”

line of conduct to be adopted with a view to either legal or individual vindictiveness. Mr. Combe’s arguments are here pointed to as a suitable commentary; they are conclusive and irresistible: but it is deeply regretted he did not place them upon their proper foundation, by giving the authority from whence he derived them,—the teaching of Jesus and the Apostles—the *revealed law of God*; he might have shamed Christians into an acknowledgment of the justice of his reasoning by declaring the truth, but I do not see how he could expect them to do so upon his assertion, or implied inference, that they are the teachings of nature.

what does this mean but that, even *in extremis*, we are to cultivate a forgiving disposition, and to avoid resenting injuries, or punishing our adversaries? In Colossians iii. 12, 13, this same spirit is commanded. "Forbearing one another in love, and forgiving one another; if any man have a quarrel against any, even as Christ *forgave you* so also *do ye*." Is not this inconsistent with *any kind* of punishment to the offender? "Fathers, provoke not your children to anger, lest they be discouraged," 21st verse. Does not this mean, Fathers, correct not your children with severity, lest they be hardened or degraded? In 1 Thessalonians iv. 6, he alludes to the Lord as the *avenger* of all such as go beyond, or defraud their brother. In the v. 14, 15, he exhorts them to "warn them that are unruly," (declare to them the consequences of their conduct,) but not a word about punishment. "Comfort the feeble-minded; *support the weak*; be patient towards all men; see that none render evil for evil unto *any* man, but ever follow that which is good, both among yourselves and to *all men*." In the 2nd Epistle, chap. i., he alludes to punishment, but it is to be administered by God, and, therefore, has nothing to do with the present inquiry, either as to its nature, or duration, the only bearing it has, is an inference that punishment must be left to God. In the 3rd chapter, he commands that "ye withdraw yourselves from every brother that walketh disorderly," 6th verse; but not the remotest intimation of any thing like punishment. And in the 14th verse, "if any man obey not our words in this epistle, note that man, and have no company with him:" and why, that he may be punished? Certainly not, but "that he *may be ashamed*; but in order to guard against

being misunderstood, he adds, "*yet count him not as an enemy, but admonish him as a brother.*"

In 1 Timothy i. 7, he notices those who wanted to introduce the law into the Christian church, and set themselves up as its teachers and expounders, or probably as judges, and he alludes to the law as not made for righteous men, but for the most depraved; but he subsequently notices a better state of things in christianity, inasmuch as Christ came to save sinners, "of whom," says he, "I am the chief: howbeit, for this cause I obtained mercy, that in me first Jesus Christ might show forth all long-suffering, *for a pattern to them* who should hereafter believe to life everlasting," 16 verse; meaning, that as Paul, an obdurate sinner was forgiven and reclaimed by Christ, so should believers show long-suffering towards others for their restoration. In the 5th chapter he says, "Receive not an accusation against an elder but before two or three witnesses; but them that sin *rebuke before all*, that others may fear:" if any man's sin be fully established, let him be *openly, publicly rebuked*, as he in another place says, that he may be ashamed, as was done by Jesus to the apostle Peter, (Matt. xvi. 23,) and which rebuke led to his repentance and reformation. He also alludes (2 Timothy iii. 1—9) to a vicious and criminal class of men, who will introduce themselves, but he declares they shall proceed no further: (for their folly shall work its own cure :) their folly shall be manifest to all men. Chap. iv. 2, "Preach the word," says he, "be instant in season; *reprove, rebuke, exhort, with all long-suffering.*" In directing Titus (Titus i. 13) how to deal with the Cretians, whom he describes as very immoral, he says, "Rebuke them sharply,"

and why? in order to punish them, it will be said; but no! the apostle adds, "that they may be sound in the faith."* Titus is particularly instructed, (chap. iii. 2,) to teach the disciples "to speak evil of no man; to be no brawlers, but gentle, showing all meekness unto all men; for we also were sometimes foolish, disobedient, deceived, serving divers lusts and pleasures, living in malice and envy, hateful, and hating one another:" a consideration of what we have been, should lead us to be tender to others. He also particularly directs him (iii. 9) to avoid strivings about the law, a desire to enforce the Jewish law, doubtless the criminal as well as ceremonial, which he elsewhere calls "beggarly elements:" he also says, "a man that is an heretic, (a sower of divisions,) after the second and third admonition, reject, (withdraw thyself from, 10th verse.)"

In the Epistle to the Hebrews, iv. 15, Jesus is alluded to as a High Priest, "touched with the

* It appears from the teaching of the Apostles, as well as from the example of the Messiah, that benevolent reproof, admonition, or rebuke, is an imperative part of the Christian's duty. We are not allowed to quietly wait, or anxiously watch, until a fellow-creature has committed himself, in order that he may be detected and punished. But we very frequently do worse than this: if a person is suspected, instead of dealing honestly, by communicating our suspicions, or uprightly doing our duty with remonstrance or admonitions, a snare is laid, and perhaps a previously innocent person falls into it, while the former guilty one escapes. There would not, perhaps, be much wrong committed in this, if the erring were benevolently treated—his fault used morally, by appealing to his own mind, to convince him of the necessity of a higher line of conduct; but laying in wait, by temptation, to ensnare for the purpose of punishment, although very common, is as detestable a departure from religious duty—as can be adopted: tempters are generally depraved characters. (Matt. xxii. 16; Mark xii. 15.) It must not be forgotten, that when *punishment* is intended to follow the fall of the tempted, the object *cannot* be good.

feelings of our infirmities; was in all points tempted like as we are, yet without sin: let us, therefore, come boldly unto the throne of grace, that we may obtain mercy, and find grace in the time of need," &c. The certain meaning of this passage is, that Jesus will judge us, making every allowance for all circumstances, which he knows and understands; and the inference is, we ought not to judge or punish each other, without being able to judge the like judgment. Punishment is alluded to in this epistle, and a sore punishment it will be, but it will be administered by *God alone*, "*Vengeance belongeth unto me, I will recompence, saith the Lord,*" x. 29, 30; and in the 12th chapter he dwells upon chastenings, and an important part of those were what they received unjustly from their fellow-creatures; he says, "Consider him that endured such contradiction of sinners against himself, lest ye be wearied and faint in your minds:" and he adds, "follow peace with all men, and holiness, without which no man shall see God; looking diligently, lest any fail of the grace of God, *lest any root of bitterness springing up*, trouble you, and *thereby many be defiled,*" xii. 14, 15.

The apostle James, i. 19, 20, exhorts the believers to "be swift to hear, slow to speak, slow to wrath, for the *wrath of man worketh not the righteousness of God:*" he also alludes to that disposition which too frequently characterizes us, to judge or punish others, and yet commit other sins equally great ourselves; and adds, "so speak ye and so do, as they that shall be judged by the law of liberty; for he shall have judgment without mercy that showed no mercy, and mercy rejoiceth against judgment," ii. 12, 13; iv. 11, 12;

v. 10: and he concludes, “Brethren, if any do err from the truth, and one convert him, let him know that he which *converteth the sinner* from the error of his way, shall save a soul from death, and shall hide a multitude of sins:” and this is to be done, not by *punishment*, but by *patience* and prayer, like Elias, who prayed six months for rain before it came. (see the contexts.)

In 1 Peter ii. 14, the Gentile rulers are alluded to, in order to be submitted to by believers, and as being sent by God for the punishment of evil doers, and for the praise of them that do well. It is a mere allusion to a fact, but does not justify believers in forming any similar institution; for, from the 18th to the 24th verse, he actually encourages them to follow the example of Christ, if wrongfully treated, to bear it patiently, “for this is acceptable to God;” see also the whole of the 3rd chapter, particularly verses 9, 11, 14, and 17; he at the same time exhorts, that none of them should suffer justly, iv. 15. In the 2 Peter iii. 14, 15, the same long-suffering and peaceable disposition is enjoined. The same benevolent spirit is commanded by the Apostle John. (1 John ii. 9, 10.)

SECTION 2nd.—Having quoted many passages in the New Testament containing *commands* upon the subject of offences, which are clear and *positive* to the offended on his own part, as well as that to be observed towards the offender, it will be well to take a brief view of *how* the Messiah and the Apostles acted when sin, or criminal action, was brought under their cognizance, and contemplate how they treated the offender. Jesus never saw sin, or even error, committed without expressing the most marked disapprobation

by instructing or reproofing the offender, sometimes strongly, but more frequently mildly, and always with benevolence, as may be illustrated, (Matt. xiv. 31 ; xvi. 23 ; xxiii. 16 ; John viii. 44.)

An important instance, showing how the Saviour dealt with the criminal, is recorded in the 8th chapter of John, in the case of the woman taken in adultery: the closest attention is due to his conduct on this occasion; there existed no doubt about her guilt, and a law was provided for her punishment. Had Jesus been disposed to get rid of the temptation, he could have said, You have a law, to which you have referred, why do you bring her to me, I will have nothing to do with the affair: but he deliberated, and appealed to the inmost recesses of human nature, "He that is without sin among you, let him first cast a stone at her,"—punish her, according to the law; you, righteous as you are, or would lead others to believe, act towards her as you would be acted towards. What was the result of this home-thrust to their consciences? They went out, one by one, and Jesus was left alone with the woman. His dealing with the culprit was remarkable, and full to the point, as to the mode of treatment adopted by him towards a perpetrator of one of the most pernicious crimes that can be committed, in an advanced state of society: "He said unto her, Woman, where are thine accusers, hath no man condemned thee? She said, No man, Lord. And Jesus said unto her, *Neither do I condemn thee; go and sin no more.*" If the greatest teacher,—the Saviour and Judge of mankind,—while he condemns the sin, would treat a convicted criminal thus, are we, his followers, not "without sin," right in pursuing the guilty, and condemning them under the vague, undefined

idea of fulfilling the "ends of justice," and going beyond our Master, by doing that which he never attempted nor commanded.*

A case of delinquency occurs among the disciples, in the person of Peter, in the denial of his Master. (Matt. xxvi. 74; Mark xiv. 72.) It is unnecessary to enlarge upon this circumstance, but it would be unjust to a full consideration of the subject, to conceal the fact that Peter's act, in this case, was very little short of actual perjury; but how did Jesus treat him? (Luke xxii.) It is emphatically stated, and the "Lord turned, and *looked* upon Peter," verse 61. Jesus had previously told him, notwithstanding his confidence in himself, his assertion of his steadfast adherence to the cause, he would fail and deny it; but it is said, Jesus "*looked upon Peter*, and Peter remembered the words of the Lord, how he had said unto him, before the cock crow thou shalt deny me thrice." No harsh words were used, no violent and cutting, or humiliating, denunciations, but a look, in accordance with the Messiah's benevolent character, calling attention to his (Peter's) vaunted assertions of himself, in the former conversation; and what was the

* It will probably be asserted the passage, comprising the above narrative, is spurious, as it is very much mutilated in many ancient manuscripts and versions of the New Testament, and altogether left out in some; it is very probable that monkish and ascetic teachers would leave it out of their copies, on account of their believing the Messiah would not treat so great a sinner so leniently. St. Augustine makes this assertion. If the conduct recorded of the Saviour, on this occasion, had been in opposition to his other acts and teaching, there would be good reason for giving weight to the argument, but as he deals with the woman exactly as he dealt on all occasions with the erring, as well as in perfect conformity with his uniform teaching, (see Matt. vii. 1-5; Luke vi. 36, 37; and many others,) we are bound to receive it as genuine, at all events, we are not justified in rejecting it, for the reasons above referred to. Dr. Paley treats this passage as genuine.

result? "Peter went out and wept bitterly." Let us consider his *after* conduct, how great a friend he has been to the cause of the Christian church, and the completeness of his martyrdom: we must also remember that Jesus confided to him the care of his lambs, and that he had the distinguished privilege of being the *first* disciple to whom the Messiah appeared after his resurrection. Enlarged comment might be made, but it is sufficient to assert, that any man would now be treated very differently, under similar circumstances, although without Peter's warning, and, in all probability, such a beneficial result would not be obtained; it is sufficient to show that the Messiah hinted at, and provided, no punishment, yet *the repentance was sincere*.

Jesus, in his intercourse with society, appears to seek out the reputed depraved, in order to benefit them by his example and teaching, and certainly never *avoided* them; indeed, so marked was his conduct in this particular, that the Scribes and Pharisees (the reputed good) took great offence at, and remonstrated with the disciples concerning it; and when the remonstrance came to his ears, he remarks with great point, "They that are whole need not a physician, but they that are sick; I came not to call the righteous, *but sinners* to repentance." (Mark ii. 17.) He did not seek to improve these persons, by waiting until they had committed crimes, in order that the law might operate upon them, that they might be shut up from society, for the most part he viewed them, and spoke of them, *as more likely to be converted, and accepted by God, than those who considered themselves in a morally healthy state*, and were disposed to accuse, judge,

or condemn, their less fortunate fellow-countrymen. (Luke xviii. 9—14; xv. 2; xix. 7.)*

Another incident in the gospel history, which proves human punishment unnecessary, is the conduct of Judas, in the betrayal of Jesus Christ; although Jesus foretold the fact, yet Judas appears not to have understood the full measure of his

* It is a remarkable fact, in the history of our Lord, that he *always* sought out the poor in circumstances, as well as the degraded in character, and spoke encouragingly to them; (Matt. v. iii.; Luke vi. 20, 21;) and he uniformly held out more elevated hopes to them than to the self-righteous, or reputed good. Our Saviour understood human nature intimately and completely; consequently he knew that many who are judged sinful, or condemned on that account, are superior to those who hypocritically spurn and condemn them. (Matt. xxi. 31; Luke vii. 38; xv. 2.) He knew and appreciated the fact, where there was an inclination to be bad, that it might, by proper treatment, be made subservient to goodness; hence the immeasurable value he invariably attributes to repentance. If there is any truth, or meaning, in many of the actions of our Lord, or any point in some of his most beautiful parables, they lead to (indeed command) especial care and exertion towards the depraved, or wicked. What is the obvious meaning of the parables of the lost sheep, the lost piece of silver, and especially of the prodigal son? (Luke xv.) The father watched for, and came a great way off to meet, the penitent, and *ran* and fell on his neck, and kissed him; but this was not all: the *best* robe was provided; the fatted calf killed; music and dancing were engaged, to welcome his return: but who was the *offended* party in this beautiful parable? *not* the *father*, whose living had been dissipated, or whose principles had been departed from, but the self-satisfied brother; he was angry because he was, or *supposed* he was, neglected; he was annoyed because his offended brother was not *punished*, or himself *rewarded*; he forgot the *necessary* privation his brother had suffered through sin, and the consistent enjoyment he had himself maintained from the contrary; but he wanted something more: let us remember he *would have received* something more if he had participated in his father's spirit,—the holy, purifying, elevating, spirit of forgiveness. Let us not forget, "one is your *Father* which is in heaven, and one is your *master*, even *Christ*, and all ye are brethren." (Matt. xxiii. 8—10.)

guilt till afterwards ; notwithstanding no human hand pursued him, as it does not appear he was even reprov'd ; no established law existed to reach his crime, his punishment was certain, and his repentance sincere.*

During the mission of our Lord, he was constantly impressing upon his disciples that his position here would be a humble one, and his end ignominious ; but they understood him not, and were afraid to ask him, because his explanations tended to dissipate those dreams of worldly greatness, which they considered inseparable from his kingdom ; therefore, instead of imbibing his principles, they were disposed to dispute with each other about the most important posts in his kingdom ; all of which he *bore* with, never *condemning* them, but taking all means in his power to teach them that the way to be great and good was the path of humility, consideration for others, and childlike teachableness. (Mark ix. 35, 36.) Although he *appeared* to make *so little* progress in establishing the truth in their minds, and corresponding action, yet, when the right time arrived, all these men, with one exception, and he a penitent, successfully taught the same principles, died establishing the same doctrines, and setting the same examples as their Master, proving at once the superiority of his patient and long-suffering mode of dealing with our nature, and (notwithstanding *appearances* were against it,) the latent excellencies in their characters.

Immediately before his death, he commanded the disciples to watch for him ; and although his

* Some translators render the passage, (Matt. xxvii. 5,) “ And he departed, and went and hanged himself,” “ And he departed and was strangled,”—suffocated with grief.

mind was depressed with the keenest sorrow, and he was deeply engaged in prayer, yet they were unable to keep awake, although the command was repeated three different times; he exclaimed, "What! could ye not watch with me one hour?" He simply makes one remark, hardly a reproof, and benevolently excuses them by saying, "The spirit indeed is willing, but the flesh is weak:" thus our Saviour dealt with the erring and the weak; he exhorted, suffered with, and forgave them.

But it must be remembered, he suffered at the hands of the really bad; by those who were certainly influenced by the worst motives. He was falsely accused, scourged, mocked, spat upon, smitten, and finally unjustly killed; yet what is his conduct? with his expiring breath he uttered a prayer, full of important meaning, practically teaching a deep knowledge of God's moral government, as well as the ignorance and weakness of human nature, "Father, forgive them, for they know not what they do." (Luke xxiii. 34.)

One of the most important circumstances in connexion with the Messiah's dealings with the guilty, is his treatment of Paul at the time of his miraculous appearance to him. Paul had been one of the most violent opposers and persecutors of the Christians: let it be remembered, he was present at the stoning of Stephen, was a party to his death; besides, "he made havoc of the church, entering into every house, and hailing men and women, committed them to prison." (Acts viii. 3.) He "breathed out threatenings and slaughter against the disciples of the Lord;" and it was at the time he was engaged in one of these journeys of persecution, the Messiah appeared to him, under circumstances extraordi-

narily striking, and simply, but solemnly demanding the reason why Paul persecuted him. Paul was miraculously deprived of sight, but only for a temporary purpose, namely, to give deeper effect to his reflections; and during the three days he was so visited, *he prayed*: and when Ananias expressed doubts of it being *possible* he could ever be friendly to the cause of Christianity, on account of his consistent and determined opposition, the reply was to him by the Lord, "Go thy way, for he is a chosen vessel unto me, to bear my name before the Gentiles, and kings, and the children of Israel;" and his history, which need not be dwelt on here, proves that his former heartless, it may be said guilty, opposition to the cause of the gospel, was, by the merciful and benevolent treatment of our Lord, made subservient to its triumphant, extensive establishment: and, let it be observed, the Apostle himself alludes to his errors, in after life, in terms of deep unaffected sorrow and regret. (1 Cor. xv. 9; Gal. i. 13.) Thus we see that those who, to our exceedingly contracted vision, are the most to be dreaded, and are pursuing a course which is really condemnable, may, and sometimes do become, under proper treatment, the highest ornaments to our nature, the most benevolent among our species. It is impossible not to connect some of the sublimest passages in the writings of this distinguished ornament to the Christian cause, such as 1 Cor. xiii., to a recollection of his own errors, and to contemplate the fitness of those sentiments to improve mankind, but as arising from a knowledge of his own,—consequently of human nature, its imperfection, and liability to err.

Another and an important case, as illustrative

of the mode of dealing with criminals by one whose authority and example ought to be conclusive, which we are bound to imitate, is the mode the apostle Paul adopted towards Onesimus, who had absconded from his master Philemon, after having stolen his property. It appears Paul had become acquainted with him, and Onesimus had communicated his crime to the Apostle; if we are right in our mode of treating criminals, ought not Paul to have prosecuted him according to law? Ought he not to have delivered him, in order to satisfy the ends of justice? Did he act right in allowing the robber of his master to go unpunished? Was he justified in letting the culprit loose upon society? It may be said he was penitent. How did he become penitent? Was he punished into penitence? Does penitence satisfy offended laws? Besides, how can true repentance be ascertained? This is how we should scrutinize the conduct of the Apostle, if *we are right* in the treatment of our criminals; but let us see how the Apostle acted. He sent him back to his master,—to be punished? Oh, no! he wrote a letter to Philemon, which is happily preserved to us,—a letter most affecting and touching in its appeals, most disinterestedly benevolent in its nature, on behalf of Onesimus. In it are these words, “I beseech thee, for my son Onesimus, whom I have begotten in these bonds, which in times past was to thee unprofitable, but now profitable to thee and to me, whom I have sent again; thou, therefore, receive him that is mine own bowels:” and further, “If he hath wronged thee, or owest thee ought, put that on mine account.” But if we look a little deeper into the case, we shall find that this erring young man was

a person whom the Apostle would have *preferred* to travel with, and assist him in the difficulties of his ministry, but was prevented only by the greatest delicacy towards Philemon. (14th verse.) If there were no recommendations upon the line of conduct to be adopted towards our unfortunate, mistaken, mentally diseased, or if it be a more palatable term, depraved and criminal portion of our fellow-creatures, the significant, exemplary, and successful conduct of the Apostle towards Onesimus ought to be suggestive of doubts as to the propriety of punishments in any form, especially to the youthful offender, with advisers of the same spirit as the Apostle, versed in the intricacies of the human mind, its delusions, its subtle suggestions, because intimately acquainted with, and mindful of, their own errors, how many, instead of being delivered over to the machinery of the law to be punished, and thereby permanently degraded, might be turned to righteousness, and, like the Apostle, reflect the mercy they have received, and by which they have been overcome, upon others.

But it will be reiterated, that the Scriptures treat *all* these matters as individual cases, and as between man in his individual capacity; but we live in society where there are laws, and we give the offender up to be dealt with by them, in other words, if a man does not think it right to punish his guilty brother, it is the *duty* of society to compel him; the distinction is a subtle one, but deserves consideration: and in the case of Onesimus, just referred to, the Apostle was not the offended party, but commands, or exhorts, Philemon to forgive; if the law, or the necessity of example, had been paramount, the Apostle did

wrong to society in not delivering up Onesimus to be dealt with by it; it is, therefore, clear that there was something in the Apostle's mind above, and of more importance than, the application of human law to the offender, for his punishment: the object of the law was then, as it is now, to punish the offender, and to avenge the offence, not the same as that of the Apostle, to reclaim the offender, and thereby giving *him* an opportunity of doing justice to the offended.

It is not, however, a *selection* of passages, in a controversy like the present, which ought to be considered of importance, it is the *spirit* of the religion we profess, its tendency, its object, which ought to be paramount; and the quotations above given, are illustrative of that spirit; there is nothing in the New Testament which can be made to appear in opposition to them. Believers must remember this is not a controversy of *doctrine*, but of *duty*, not a matter of *opinion*, but of *practice*. Let us then reflect on these plain precepts, *positive commands*, and powerfully bright examples, and individually in our intercourse, as well as collectively in our laws, resolve to obey and imitate them, resting assured, that forgiveness will strengthen good disposition in the wise, or virtuous, as well as weaken, or destroy, the bad feelings of the ignorant, depraved, and immoral.

The law of God, as revealed by Christ, is not a mere collection of beautiful expressions, or abstract truths; it is not a highly finished picture of an exalted and signally desirable imaginary state of society, to be only hoped for, or aspired after; it is a plain enunciation of simple practical principles, capable of being fully carried out, and completely acted upon, and the result of such action will

be an immeasurable amount of happiness to all who take its easy yoke upon them ; but *it is a yoke*. It should not be forgotten that the basis of Christian triumph is perseverance in well-doing, through an enlightened self-sacrifice, intimately connected with a consciousness of how short we fall of what we ought to be ; remembering that God is the father of all, those who are better, as well as those who are worse, than ourselves : let us not envy them who, to our short-sightedness, are higher, or better, than we may be, but rather bless and emulate them ; let us not degrade, condemn, or punish, those who are apparently beneath us in virtue or happiness, it is our duty to pray for, comfort, and earnestly endeavour to promote their elevation.

CONCLUSION.

IN concluding this inquiry, we shall be assisted by cursorily looking at the warrantable conclusions to be drawn from the beautiful language, as well as the spirit of our addresses to God, as directed in the Liturgy. In our very first address to the throne of heavenly grace, we confess “ we have left undone the things we ought to have done, and done those things which we ought not to have done ; ” and we supplicate God’s mercy and forgiveness, but punish or avenge ourselves on our fellow-creatures ; in fact, yield not that forgiveness which *is in our power* to give, and yet ask it of God for ourselves. When the absolution is pronounced, it is declared that God “ desireth not the death

of a sinner, but rather that he should turn from his wickedness, and live ;” but we, in *our justice*, are more implacable than he, inasmuch as we do frequently desire the death of a sinner, and, in practice, would rather *not* he should turn from his wickedness, and live. In the Litany we implore God “to bring into the way of truth all such as have erred and are deceived :” how do we expect God will do this ? how did our Master act with a view to effect this object, but by incessant labour and unbounded forgiveness. We ask him also “to succour, help, and comfort, all that are in danger, necessity, and tribulation.” How do we act towards those who are in the deepest danger, necessity, and tribulation, from moral guilt—from the dangerous and contaminating nature of sin, but by punishing them, *thereby* increasing their tribulation and promoting their degradation : instead of using our power with the erring or deceived, to promote the object we pray for, we are actually exerting ourselves in an exactly opposite direction. We implore the Supreme Being “to forgive our enemies, persecutors, and slanderers, and to turn their hearts ;” but we pray without remembering that “if *our ways* please the Lord, he maketh even our enemies to be at peace with us.” We ask him “to show pity upon all prisoners and captives :” how can we expect him to show his pity upon them whom *we* have imprisoned, except through *our* instrumentality ? what other means are there, except by miraculous agency ? which we have no right to calculate on. We also say, “O God, who knowest us to be set in the midst of so many and great dangers, that by reason of

the frailty of our nature we *cannot* always stand upright," &c.* Why should *we* punish our fellow-creatures for that which, in our own persons, we "*cannot*" avoid? Is it a just comment upon our prayers, we should visit chastisements upon each other for circumstances arising from the frailty of our nature, over which we admit we have no control? We further say, "Grant, we beseech thee, Almighty God, that we, who, for our evil deeds, do *worthily deserve* to be punished, by the comfort of thy grace may mercifully be relieved."† How, after uttering such sentiments as these, in the *solemn shape of prayer*, can we conscientiously punish our ignorant erring brethren? May we not ask, While we approach God with our lips, are we not departing from him in our hearts and actions? This prayer is also offered up, "Almighty and everlasting God, who, of thy tender love towards mankind, hast sent thy Son, our Saviour Jesus Christ, to take upon him our flesh, and to suffer death upon the cross, *that all mankind should follow the example of his great humility*, mercifully grant that *we may both follow the example of his patience*, and be made partakers of his resurrection."‡ What is meant by addressing God in language like this, if we are, according to our fallible and imperfect vision, to judge, condemn, and punish, even unto death, our unfortunate, degraded, and imperfect fellow-servants. God is not mocked; that which we sow we shall surely reap: the result of such an anomalous line of conduct as we are now legally

* Collect for the Fourth Sunday after the Epiphany.

† Collect for the Fourth Sunday in Lent.

‡ Collect for the Sunday next before Easter.

pursuing, is, and will continue to be, an abundant increase of crime; and if we do not repent, our own painful condemnation will be added, and even our criminals will rise up in judgment and condemn us. Let us not forget that *many* of the most distinguished servants of God have been attainted of crime, justly or unjustly, and, notwithstanding, *we know* they *will* be the future judges of mankind; and, for anything we know, we are forming, "through suffering," the minds of a class of men to be our future judges, who will know, from experience, how best to treat the erring and the wicked, and will be able to understand the characters of the vindictive, conceited, and self-righteous.

The doctrine of treating offenders with entire human forgiveness is practicable, and can be individually adopted. It is not incumbent upon a man, when Divine truth is concerned, to wait until the laws are altered: he must act upon its dictates. If the laws of God command a man, when he is in any way offended, to act in a forbearing and forgiving manner, it is his duty so to act. If men perform their duty individually, so as for their conduct to be in conformity with the Divine law, human laws, if in opposition thereto, would be unnecessary, and virtually abrogated. If all the offended were to make an effort to put in practice the Divine law in relation to the offender, nothing more than effectual restraint would be imposed upon him; and human punishments would be looked upon as remnants of barbarism, as useless, immoral, the manifestation of angry vindictive feelings, incompatible with the establishment of a virtuous state of society, and inconsistent with its progress.

But men now revenge themselves when no human law commands it. Let us illustrate this by the practice of duelling. How ought a man, really anxious to carry out Christian principles, to act if challenged, and yet sustain his honour, for his honour *ought* to be sustained? He would say to the challenger, I will meet you, but I must meet you unarmed; I must not return your fire; you demand satisfaction, the usage, that is the law of society, says you have a right to it, and I yield to that law, but it can be no satisfaction *to me* to endanger your life, you shall, therefore, have that satisfaction you demand. A man acting thus, would, in all probability, so operate upon the mind of his adversary as to overcome him, and restore him; and let it be remembered, if he did not, and received his adversary's fire, he would lose nothing but the chance of his revenge.* A moment's reflection will show that such a man would be the last in the world liable to be challenged; instead of being the subject and mark of angry feelings, he would be the point of attraction for affection, attachment, and respect. This practice, among the high, is alluded to for the purpose of illustrating an extreme case, but the same spirit may be acted upon by all men, in every state of society; the most violent conduct may be forgiven on the one side, or overcome by a benevolent and self-sacrificing line of conduct on the other. It will probably be urged that such a state of things as here hinted at, would be unfit for a community, it could not go on without penal enactments. *How do we know a Christian mode of treating the erring is in-*

* It is, however, an important question, whether it would not show much higher moral courage to entirely refuse to fight, or meet under circumstances of hostility.

consistent with the well-being of a community? Has it ever been tried? Is not the objection a presumptuous judgment on a divine command, without giving it a trial? If this should be the serious opinion of any man, he is implored to deeply consider it, and look at the consequences; they are no less than these,—that the sublime principles of Christianity, the recommendations of the Gospel, are incapable of being finally established, and *are consequently false*. The assertion that the benevolent commands of Jesus and the Apostles can only, at best, be adopted in an individual capacity, but cannot be acted upon by a community, will, upon reflection, destroy the hopes of every man who believes the truth of the Christian religion, or has a comprehensive view of its important objects, nor will the idea that such a mode of treatment of the erring, or criminal, is fit only for an advanced and improved state of society, meet the difficulty, for the practice of Christian truth is, and must be, the *only* sound means of advancing society; it must be acted upon, not only by individuals, but be embodied in, or by, the regulations, or established principles, of a community, before that community, whatever may be its professions, or opinions of itself, can be called Christian; and those who *fear* to adopt the truth, as here referred to, either individually, or collectively, want faith in their own principles, and are devoid of entire confidence in the promises of God.

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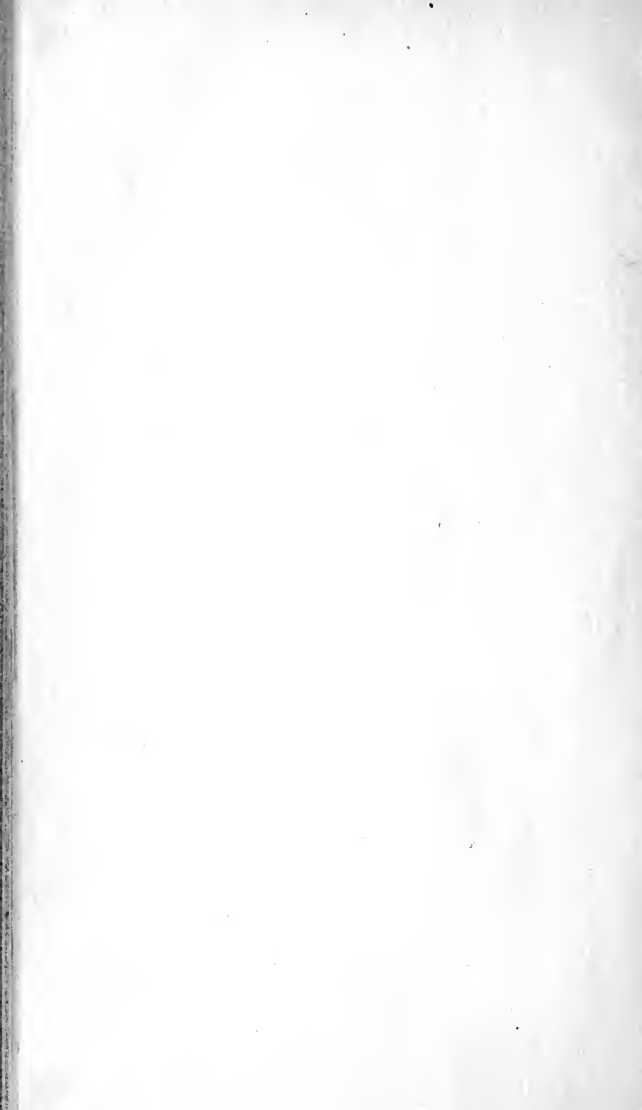
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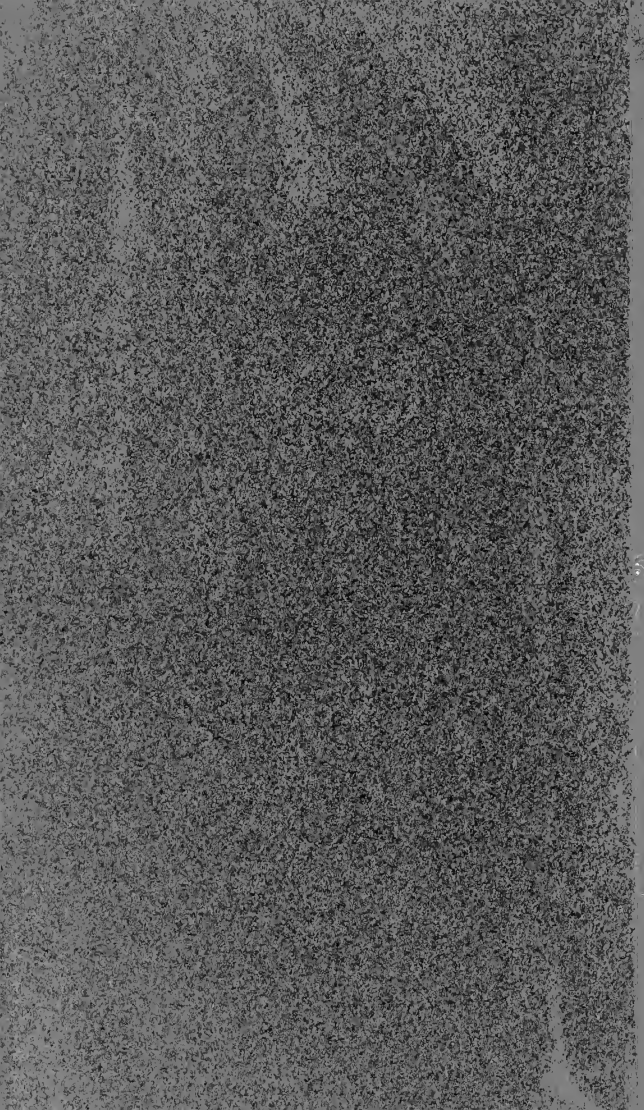
Page 3, last line, for "*Coombe*" read "*Combe*."

Page 46, last line but one, for "*is*" read "*was*."

Page 55, to last line, add "*prisoners at*."

Page 78, last line, for "*vol.*" read "*v. i.*"





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